

112TH CONGRESS
2D SESSION

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.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 28, 2012

Ordered to be printed with the amendments of the Senate

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

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

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

3 **SECTION 1. TABLE OF CONTENTS.**

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

Division A—Department of Defense Appropriations Act, 2011

Division B—Full-Year Continuing Appropriations for Fiscal Year 2011

Division C—Stimulus Rescissions

Division D—Miscellaneous Provisions

1 **SEC. 2. REFERENCES.**

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

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

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

12 **TITLE I**

13 **MILITARY PERSONNEL**

14 **MILITARY PERSONNEL, ARMY**

15 For pay, allowances, individual clothing, subsistence,
16 interest on deposits, gratuities, permanent change of sta-
17 tion travel (including all expenses thereof for organiza-
18 tional movements), and expenses of temporary duty travel
19 between permanent duty stations, for members of the
20 Army on active duty, (except members of reserve compo-
21 nents provided for elsewhere), cadets, and aviation cadets;
22 for members of the Reserve Officers’ Training Corps; and
23 for payments pursuant to section 156 of Public Law 97–
24 377, as amended (42 U.S.C. 402 note), and to the Depart-
25 ment of Defense Military Retirement Fund,
26 \$41,042,653,000.

1 MILITARY PERSONNEL, NAVY

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

13 MILITARY PERSONNEL, MARINE CORPS

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

1 MILITARY PERSONNEL, AIR FORCE

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

14 RESERVE PERSONNEL, ARMY

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

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

3 ~~RESERVE PERSONNEL, NAVY~~

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

16 ~~RESERVE PERSONNEL, MARINE CORPS~~

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

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

5 RESERVE PERSONNEL, AIR FORCE

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

18 NATIONAL GUARD PERSONNEL, ARMY

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

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

7 NATIONAL GUARD PERSONNEL, AIR FORCE

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

21 TITLE II

22 OPERATION AND MAINTENANCE

23 OPERATION AND MAINTENANCE, ARMY

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

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

7 OPERATION AND MAINTENANCE, NAVY

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

16 OPERATION AND MAINTENANCE, MARINE CORPS

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

20 OPERATION AND MAINTENANCE, AIR FORCE

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

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

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

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

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

19 OPERATION AND MAINTENANCE, ARMY RESERVE

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

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

3 OPERATION AND MAINTENANCE, NAVY RESERVE

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

11 OPERATION AND MAINTENANCE, MARINE CORPS

12 RESERVE

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

20 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

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

1 recruiting; procurement of services, supplies, and equip-
2 ment; and communications, \$3,291,027,000.

3 OPERATION AND MAINTENANCE, ARMY NATIONAL
4 GUARD

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

20 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

21 For expenses of training, organizing, and admin-
22 istering the Air National Guard, including medical and
23 hospital treatment and related expenses in non-Federal
24 hospitals; maintenance, operation, and repairs to struc-
25 tures and facilities; transportation of things; hire of pas-

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

12 UNITED STATES COURT OF APPEALS FOR THE ARMED
13 FORCES

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

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

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

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

13 ENVIRONMENTAL RESTORATION, NAVY

14 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

22 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

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

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

4 COOPERATIVE THREAT REDUCTION ACCOUNT

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

1 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE

2 DEVELOPMENT FUND

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

5 TITLE III

6 PROCUREMENT

7 AIRCRAFT PROCUREMENT, ARMY

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

22 MISSILE PROCUREMENT, ARMY

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

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

12 PROCUREMENT OF WEAPONS AND TRACKED COMBAT
13 VEHICLES, ARMY

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

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

3 PROCUREMENT OF AMMUNITION, ARMY

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

18 OTHER PROCUREMENT, ARMY

19 (INCLUDING TRANSFER OF FUNDS)

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

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

18 AIRCRAFT PROCUREMENT, NAVY

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

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

6 WEAPONS PROCUREMENT, NAVY

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

19 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
20 CORPS

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

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

10 SHIPBUILDING AND CONVERSION, NAVY

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

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

24 Carrier Replacement Program (AP),

25 \$908,313,000.

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

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

7 OTHER PROCUREMENT, NAVY

8 (INCLUDING TRANSFER OF FUNDS)

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

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

7 PROCUREMENT, MARINE CORPS

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

21 AIRCRAFT PROCUREMENT, AIR FORCE

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

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

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

3 MISSILE PROCUREMENT, AIR FORCE

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

18 PROCUREMENT OF AMMUNITION, AIR FORCE

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

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

8 OTHER PROCUREMENT, AIR FORCE

9 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

7 DEFENSE PRODUCTION ACT PURCHASES

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

12 TITLE IV

13 RESEARCH, DEVELOPMENT, TEST AND

14 EVALUATION

15 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

16 ARMY

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

22 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

23 NAVY

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

1 ing maintenance, rehabilitation, lease, and operation of fa-
 2 cilities and equipment, \$17,961,303,000 (reduced by
 3 \$225,000,000), to remain available for obligation until
 4 September 30, 2012: *Provided*, That funds appropriated
 5 in this paragraph which are available for the V-22 may
 6 be used to meet unique operational requirements of the
 7 Special Operations Forces: *Provided further*, That funds
 8 appropriated in this paragraph shall be available for the
 9 Cobra Judy program.

10 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

11 AIR FORCE

12 For expenses necessary for basic and applied sci-
 13 entific research, development, test and evaluation, includ-
 14 ing maintenance, rehabilitation, lease, and operation of fa-
 15 cilities and equipment, \$26,742,405,000 (reduced by
 16 \$225,000,000), to remain available for obligation until
 17 September 30, 2012.

18 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

19 DEFENSE-WIDE

20 For expenses of activities and agencies of the Depart-
 21 ment of Defense (other than the military departments),
 22 necessary for basic and applied scientific research, devel-
 23 opment, test and evaluation; advanced research projects
 24 as may be designated and determined by the Secretary
 25 of Defense, pursuant to law; maintenance, rehabilitation,

1 lease, and operation of facilities and equipment,
2 \$20,797,412,000, to remain available for obligation until
3 September 30, 2012: *Provided*, That of the funds made
4 available in this paragraph, \$3,200,000 shall only be avail-
5 able for program management and oversight of innovative
6 research and development.

7 OPERATIONAL TEST AND EVALUATION, DEFENSE

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

17 TITLE V

18 REVOLVING AND MANAGEMENT FUNDS

19 DEFENSE WORKING CAPITAL FUNDS

20 For the Defense Working Capital Funds,
21 \$1,434,536,000.

22 NATIONAL DEFENSE SEALIFT FUND

23 For National Defense Sealift Fund programs,
24 projects, and activities, and for expenses of the National
25 Defense Reserve Fleet, as established by section 11 of the

1 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),
2 and for the necessary expenses to maintain and preserve
3 a U.S. flag merchant fleet to serve the national security
4 needs of the United States, \$1,474,866,000, to remain
5 available until expended: *Provided*, That none of the funds
6 provided in this paragraph shall be used to award a new
7 contract that provides for the acquisition of any of the
8 following major components unless such components are
9 manufactured in the United States: auxiliary equipment,
10 including pumps, for all shipboard services; propulsion
11 system components (engines, reduction gears, and propellers);
12 shipboard cranes; and spreaders for shipboard
13 cranes: *Provided further*, That the exercise of an option
14 in a contract awarded through the obligation of previously
15 appropriated funds shall not be considered to be the award
16 of a new contract: *Provided further*, That the Secretary
17 of the military department responsible for such procurement
18 may waive the restrictions in the first proviso on
19 a case-by-case basis by certifying in writing to the Committees
20 on Appropriations of the House of Representatives
21 and the Senate that adequate domestic supplies are not
22 available to meet Department of Defense requirements on
23 a timely basis and that such an acquisition must be made
24 in order to acquire capability for national security purposes:
25

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

1 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
2 DEFENSE

3 For expenses, not otherwise provided for, necessary
4 for the destruction of the United States stockpile of lethal
5 chemical agents and munitions, to include construction of
6 facilities, in accordance with the provisions of section 1412
7 of the Department of Defense Authorization Act, 1986
8 (50 U.S.C. 1521), and for the destruction of other chem-
9 ical warfare materials that are not in the chemical weapon
10 stockpile, \$1,467,307,000, of which \$1,067,364,000 shall
11 be for operation and maintenance, of which no less than
12 \$111,178,000, shall be for the Chemical Stockpile Emer-
13 gency Preparedness Program, consisting of \$35,130,000
14 for activities on military installations and \$76,048,000, to
15 remain available until September 30, 2012, to assist State
16 and local governments; \$7,132,000 shall be for procure-
17 ment, to remain available until September 30, 2013; and
18 \$392,811,000, to remain available until September 30,
19 2012, shall be for research, development, test and evalua-
20 tion, of which \$385,868,000 shall only be for the Assem-
21 bled Chemical Weapons Alternatives (ACWA) program.

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

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

21 OFFICE OF THE INSPECTOR GENERAL

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

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

8 TITLE VII

9 RELATED AGENCIES

10 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND

11 DISABILITY SYSTEM FUND

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

17 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

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

20 TITLE VIII

21 GENERAL PROVISIONS

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

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

1 SEC. 8003. No part of any appropriation contained
2 in this Act shall remain available for obligation beyond
3 the current fiscal year, unless expressly so provided herein.

4 SEC. 8004. No more than 20 percent of the appro-
5 priations in this Act which are limited for obligation dur-
6 ing the current fiscal year shall be obligated during the
7 last 2 months of the fiscal year: *Provided*, That this sec-
8 tion shall not apply to obligations for support of active
9 duty training of reserve components or summer camp
10 training of the Reserve Officers' Training Corps.

11 (TRANSFER OF FUNDS)

12 SEC. 8005. Upon determination by the Secretary of
13 Defense that such action is necessary in the national inter-
14 est, he may, with the approval of the Office of Manage-
15 ment and Budget, transfer not to exceed \$4,000,000,000
16 of working capital funds of the Department of Defense
17 or funds made available in this Act to the Department
18 of Defense for military functions (except military con-
19 struction) between such appropriations or funds or any
20 subdivision thereof, to be merged with and to be available
21 for the same purposes, and for the same time period, as
22 the appropriation or fund to which transferred: *Provided*,
23 That such authority to transfer may not be used unless
24 for higher priority items, based on unforeseen military re-
25 quirements, than those for which originally appropriated

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

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

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

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

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

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

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

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

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

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

13 SEC. 8008. The Secretaries of the Air Force and the
14 Army are authorized, using funds available under the
15 headings "Operation and Maintenance, Air Force" and
16 "Operation and Maintenance, Army", to complete facility
17 conversions and phased repair projects which may include
18 upgrades and additions to Alaskan range infrastructure
19 and training areas, and improved access to these ranges.

20 (TRANSFER OF FUNDS)

21 SEC. 8009. During the current fiscal year, cash bal-
22 ances in working capital funds of the Department of De-
23 fense established pursuant to section 2208 of title 10,
24 United States Code, may be maintained in only such
25 amounts as are necessary at any time for cash disburse-

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. 8010. 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. 8011. 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. 8012.~~ 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. 8013. (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. 8014. 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. 8015. 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. 8016. (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. 8017. 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.

19 SEC. 8018. None of the funds in this Act may be
20 available for the purchase by the Department of Defense
21 (and its departments and agencies) of welded shipboard
22 anchor and mooring chain 4 inches in diameter and under
23 unless the anchor and mooring chain are manufactured
24 in the United States from components which are substan-
25 tially manufactured in the United States: *Provided*, That

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

19 SEC. 8019. None of the funds available to the De-
20 partment of Defense may be used to demilitarize or dis-
21 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,
22 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols, or
23 to demilitarize or destroy small arms ammunition or am-
24 munition components that are not otherwise prohibited
25 from commercial sale under Federal law, unless the small

1 arms ammunition or ammunition components are certified
2 by the Secretary of the Army or designee as unserviceable
3 or unsafe for further use.

4 SEC. 8020. No more than \$500,000 of the funds ap-
5 propriated or made available in this Act shall be used dur-
6 ing a single fiscal year for any single relocation of an orga-
7 nization, unit, activity or function of the Department of
8 Defense into or within the National Capital Region: *Pro-*
9 *vided*, That the Secretary of Defense may waive this re-
10 striction on a case-by-case basis by certifying in writing
11 to the congressional defense committees that such a relo-
12 cation is required in the best interest of the Government.

13 SEC. 8021. In addition to the funds provided else-
14 where in this Act, \$15,000,000 is appropriated only for
15 incentive payments authorized by section 504 of the In-
16 dian Financing Act of 1974 (25 U.S.C. 1544): *Provided*,
17 That a prime contractor or a subcontractor at any tier
18 that makes a subcontract award to any subcontractor or
19 supplier as defined in section 1544 of title 25, United
20 States Code, or a small business owned and controlled by
21 an individual or individuals defined under section 4221(9)
22 of title 25, United States Code, shall be considered a con-
23 tractor for the purposes of being allowed additional com-
24 pensation under section 504 of the Indian Financing Act
25 of 1974 (25 U.S.C. 1544) whenever the prime contract

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

14 SEC. 8022. Funds appropriated by this Act for the
15 Defense Media Activity shall not be used for any national
16 or international political or psychological activities.

17 SEC. 8023. During the current fiscal year, the De-
18 partment of Defense is authorized to incur obligations of
19 not to exceed \$350,000,000 for purposes specified in sec-
20 tion 2350j(e) of title 10, United States Code, in anticipa-
21 tion of receipt of contributions, only from the Government
22 of Kuwait, under that section: *Provided*, That upon re-
23 ceipt, such contributions from the Government of Kuwait
24 shall be credited to the appropriations or fund which in-
25 curred such obligations.

1 SEC. 8024. (a) Of the funds made available in this
2 Act, not less than \$30,374,000 shall be available for the
3 Civil Air Patrol Corporation, of which—

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

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

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

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

17 SEC. 8025. (a) None of the funds appropriated in this
18 Act are available to establish a new Department of De-
19 fense (department) federally funded research and develop-
20 ment center (FFRDC), either as a new entity, or as a
21 separate entity administrated by an organization man-
22 aging another FFRDC, or as a nonprofit membership cor-
23 poration consisting of a consortium of other FFRDCs and
24 other nonprofit entities.

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

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

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

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

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

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

16 ~~SEC. 8026.~~ None of the funds appropriated or made
17 available in this Act shall be used to procure carbon, alloy
18 or armor steel plate for use in any Government-owned fa-
19 cility or property under the control of the Department of
20 Defense which were not melted and rolled in the United
21 States or Canada: *Provided*, That these procurement re-
22 strictions shall apply to any and all Federal Supply Class
23 9515, American Society of Testing and Materials (ASTM)
24 or American Iron and Steel Institute (AISI) specifications
25 of carbon, alloy or armor steel plate: *Provided further*,

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

12 SEC. 8027. For the purposes of this Act, the term
13 “congressional defense committees” means the Armed
14 Services Committee of the House of Representatives, the
15 Armed Services Committee of the Senate, the Sub-
16 committee on Defense of the Committee on Appropriations
17 of the Senate, and the Subcommittee on Defense of the
18 Committee on Appropriations of the House of Representa-
19 tives.

20 SEC. 8028. During the current fiscal year, the De-
21 partment of Defense may acquire the modification, depot
22 maintenance and repair of aircraft, vehicles and vessels
23 as well as the production of components and other De-
24 fense-related articles, through competition between De-
25 partment of Defense depot maintenance activities and pri-

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

9 SEC. 8029. (a)(1) If the Secretary of Defense, after
10 consultation with the United States Trade Representative,
11 determines that a foreign country which is party to an
12 agreement described in paragraph (2) has violated the
13 terms of the agreement by discriminating against certain
14 types of products produced in the United States that are
15 covered by the agreement, the Secretary of Defense shall
16 rescind the Secretary's blanket waiver of the Buy Amer-
17 ican Act with respect to such types of products produced
18 in that foreign country.

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

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

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

13 SEC. 8030. During the current fiscal year, amounts
14 contained in the Department of Defense Overseas Military
15 Facility Investment Recovery Account established by sec-
16 tion 2921(c)(1) of the National Defense Authorization Act
17 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall
18 be available until expended for the payments specified by
19 section 2921(c)(2) of that Act.

20 SEC. 8031. (a) Notwithstanding any other provision
21 of law, the Secretary of the Air Force may convey at no
22 cost to the Air Force, without consideration, to Indian
23 tribes located in the States of Nevada, Idaho, North Da-
24 kota, South Dakota, Montana, Oregon, Minnesota, and
25 Washington relocatable military housing units located at

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

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

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

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

1 SEC. 8032. During the current fiscal year, appropria-
2 tions which are available to the Department of Defense
3 for operation and maintenance may be used to purchase
4 items having an investment item unit cost of not more
5 than \$250,000.

6 SEC. 8033. (a) During the current fiscal year, none
7 of the appropriations or funds available to the Department
8 of Defense Working Capital Funds shall be used for the
9 purchase of an investment item for the purpose of acquir-
10 ing a new inventory item for sale or anticipated sale dur-
11 ing the current fiscal year or a subsequent fiscal year to
12 customers of the Department of Defense Working Capital
13 Funds if such an item would not have been chargeable
14 to the Department of Defense Business Operations Fund
15 during fiscal year 1994 and if the purchase of such an
16 investment item would be chargeable during the current
17 fiscal year to appropriations made to the Department of
18 Defense for procurement.

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

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

5 SEC. 8034. None of the funds appropriated by this
6 Act for programs of the Central Intelligence Agency shall
7 remain available for obligation beyond the current fiscal
8 year, except for funds appropriated for the Reserve for
9 Contingencies, which shall remain available until Sep-
10 tember 30, 2012: *Provided*, That funds appropriated,
11 transferred, or otherwise credited to the Central Intel-
12 ligence Agency Central Services Working Capital Fund
13 during this or any prior or subsequent fiscal year shall
14 remain available until expended: *Provided further*, That
15 any funds appropriated or transferred to the Central Intel-
16 ligence Agency for advanced research and development ac-
17 quisition, for agent operations, and for covert action pro-
18 grams authorized by the President under section 503 of
19 the National Security Act of 1947, as amended, shall re-
20 main available until September 30, 2012.

21 SEC. 8035. Notwithstanding any other provision of
22 law, funds made available in this Act for the Defense In-
23 telligence Agency may be used for the design, develop-
24 ment, and deployment of General Defense Intelligence
25 Program intelligence communications and intelligence in-

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

3 SEC. 8036. Of the funds appropriated to the Depart-
4 ment of Defense under the heading “Operation and Main-
5 tenance, Defense-Wide”, not less than \$12,000,000 shall
6 be made available only for the mitigation of environmental
7 impacts, including training and technical assistance to
8 tribes, related administrative support, the gathering of in-
9 formation, documenting of environmental damage, and de-
10 veloping a system for prioritization of mitigation and cost
11 to complete estimates for mitigation, on Indian lands re-
12 sulting from Department of Defense activities.

13 SEC. 8037. (a) None of the funds appropriated in this
14 Act may be expended by an entity of the Department of
15 Defense unless the entity, in expending the funds, com-
16 plies with the Buy American Act. For purposes of this
17 subsection, the term “Buy American Act” means chapter
18 83 of title 41, United States Code.

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

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

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

11 SEC. 8038. None of the funds appropriated by this
12 Act shall be available for a contract for studies, analysis,
13 or consulting services entered into without competition on
14 the basis of an unsolicited proposal unless the head of the
15 activity responsible for the procurement determines—

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

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

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

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

11 SEC. 8039. (a) Except as provided in subsections (b)
12 and (c), none of the funds made available by this Act may
13 be used—

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

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

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

3 (c) This section does not apply to—

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

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

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

14 SEC. 8040. The Secretary of Defense, notwith-
15 standing any other provision of law, acting through the
16 Office of Economic Adjustment of the Department of De-
17 fense, may use funds made available in this Act under the
18 heading “Operation and Maintenance, Defense-Wide” to
19 make grants and supplement other Federal funds in ac-
20 cordance with the guidance provided in the explanatory
21 statement regarding this Act.

22 (RESCISSIONS)

23 SEC. 8041. Of the funds appropriated in Department
24 of Defense Appropriations Acts, the following funds are

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

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

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

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

9 ~~“Aircraft Procurement, Air Force, 2009/2011”,~~
10 ~~\$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 ~~\$184,847,000.~~

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. 8042. 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. 8043. 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. 8044. 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. 8045. 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. 8046. (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. 8047. 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. 8048. 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. 8049. 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. 8050. (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. 8051.~~ 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. 8052.~~ 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. 8053. 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. 8054. (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. 8055. 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. 8056. 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. 8057. 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. 8058. (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. 8059. (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. 8060. 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. 8061. 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. 8062. 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 congres-
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. 8063.~~ 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. 8064.~~ 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. 8065.~~ 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. 8066. 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 menelature 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. 8067. 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. 8068. 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. 8069. 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. 8070. 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. 8071.~~ 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. 8072.~~ 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, these funds shall be available only
12 for a grant to the Fisher House Foundation, Inc., only
13 for the construction and furnishing of additional Fisher
14 Houses to meet the needs of military family members
15 when confronted with the illness or hospitalization of an
16 eligible military beneficiary.

17 (INCLUDING TRANSFER OF FUNDS)

18 ~~SEC. 8073.~~ Of the amounts appropriated in this Act
19 under the headings “Procurement, Defense-Wide” and
20 “Research, Development, Test and Evaluation, Defense-
21 Wide”, \$415,115,000 shall be for the Israeli Cooperative
22 Programs: *Provided*, That of this amount, \$205,000,000
23 shall be for the Secretary of Defense to provide to the Gov-
24 ernment of Israel for the procurement of the Iron Dome
25 defense system to counter short-range rocket threats,

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

22 SEC. 8074. None of the funds available to the De-
23 partment of Defense may be obligated to modify command
24 and control relationships to give Fleet Forces Command
25 administrative and operational control of U.S. Navy forces

1 assigned to the Pacific fleet. *Provided*, That the command
2 and control relationships which existed on October 1,
3 2004, shall remain in force unless changes are specifically
4 authorized in a subsequent Act.

5 SEC. 8075. Notwithstanding any other provision of
6 law or regulation, the Secretary of Defense may exercise
7 the provisions of section 7403(g) of title 38, United States
8 Code, for occupations listed in section 7403(a)(2) of title
9 38, United States Code, as well as the following:

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

18 (A) The requirements of section
19 7403(g)(1)(A) of title 38, United States Code,
20 shall apply.

21 (B) The limitations of section
22 7403(g)(1)(B) of title 38, United States Code,
23 shall not apply.

24 SEC. 8076. Funds appropriated by this Act, or made
25 available by the transfer of funds in this Act, for intel-

1 ligence activities are deemed to be specifically authorized
2 by the Congress for purposes of section 504 of the Na-
3 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
4 year 2011 until the enactment of the Intelligence Author-
5 ization Act for Fiscal Year 2011.

6 SEC. 8077. None of the funds provided in this Act
7 shall be available for obligation or expenditure through a
8 reprogramming of funds that creates or initiates a new
9 program, project, or activity unless such program, project,
10 or activity must be undertaken immediately in the interest
11 of national security and only after written prior notifica-
12 tion to the congressional defense committees.

13 SEC. 8078. The budget of the President for fiscal
14 year 2012 submitted to the Congress pursuant to section
15 1105 of title 31, United States Code, shall include sepa-
16 rate budget justification documents for costs of United
17 States Armed Forces' participation in contingency oper-
18 ations for the Military Personnel accounts, the Operation
19 and Maintenance accounts, and the Procurement ac-
20 counts: *Provided*, That these documents shall include a de-
21 scription of the funding requested for each contingency op-
22 eration, for each military service, to include all Active and
23 Reserve components, and for each appropriations account:
24 *Provided further*, That these documents shall include esti-
25 mated costs for each element of expense or object class,

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

11 SEC. 8079. None of the funds in this Act may be
12 used for research, development, test, evaluation, procure-
13 ment or deployment of nuclear armed interceptors of a
14 missile defense system.

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 8080. In addition to the amounts appropriated
17 or otherwise made available elsewhere in this Act,
18 \$65,200,000 is hereby appropriated to the Department of
19 Defense: *Provided,* That the Secretary of Defense shall
20 make grants in the amounts specified as follows:
21 \$20,000,000 to the United Service Organizations;
22 \$24,000,000 to the Red Cross; \$1,200,000 to the Special
23 Olympics; and \$20,000,000 to the Youth Mentoring
24 Grants Program: *Provided further,* That funds available
25 in this section for the Youth Mentoring Grants Program

1 may be available for transfer to the Department of Justice
2 Youth Mentoring Grants Program.

3 SEC. 8081. None of the funds appropriated or made
4 available in this Act shall be used to reduce or disestablish
5 the operation of the 53rd Weather Reconnaissance Squad-
6 ron of the Air Force Reserve, if such action would reduce
7 the WC-130 Weather Reconnaissance mission below the
8 levels funded in this Act: *Provided*, That the Air Force
9 shall allow the 53rd Weather Reconnaissance Squadron to
10 perform other missions in support of national defense re-
11 quirements during the non-hurricane season.

12 SEC. 8082. None of the funds provided in this Act
13 shall be available for integration of foreign intelligence in-
14 formation unless the information has been lawfully col-
15 lected and processed during the conduct of authorized for-
16 eign intelligence activities: *Provided*, That information
17 pertaining to United States persons shall only be handled
18 in accordance with protections provided in the Fourth
19 Amendment of the United States Constitution as imple-
20 mented through Executive Order No. 12333.

21 SEC. 8083. (a) At the time members of reserve com-
22 ponents of the Armed Forces are called or ordered to ac-
23 tive duty under section 12302(a) of title 10, United States
24 Code, each member shall be notified in writing of the ex-
25 pected period during which the member will be mobilized.

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

6 (INCLUDING TRANSFER OF FUNDS)

7 ~~SEC. 8084.~~ The Secretary of Defense may transfer
8 funds from any available Department of the Navy appro-
9 priation to any available Navy ship construction appro-
10 priation for the purpose of liquidating necessary changes
11 resulting from inflation, market fluctuations, or rate ad-
12 justments for any ship construction program appropriated
13 in law: *Provided*, That the Secretary may transfer not to
14 exceed \$100,000,000 under the authority provided by this
15 section: *Provided further*, That the Secretary may not
16 transfer any funds until 30 days after the proposed trans-
17 fer has been reported to the Committees on Appropria-
18 tions of the House of Representatives and the Senate, un-
19 less a response from the Committees is received sooner:
20 *Provided further*, That any funds transferred pursuant to
21 this section shall retain the same period of availability as
22 when originally appropriated: *Provided further*, That the
23 transfer authority provided by this section is in addition
24 to any other transfer authority contained elsewhere in this
25 Act.

1 SEC. 8085. For purposes of section 7108 of title 41,
2 United States Code, any subdivision of appropriations
3 made under the heading “Shipbuilding and Conversion,
4 Navy” that is not closed at the time reimbursement is
5 made shall be available to reimburse the Judgment Fund
6 and shall be considered for the same purposes as any sub-
7 division under the heading “Shipbuilding and Conversion,
8 Navy” appropriations in the current fiscal year or any
9 prior fiscal year.

10 SEC. 8086. (a) None of the funds appropriated by
11 this Act may be used to transfer research and develop-
12 ment, acquisition, or other program authority relating to
13 current tactical unmanned aerial vehicles (TUAVs) from
14 the Army.

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

20 SEC. 8087. Of the funds provided in this Act,
21 \$7,080,000 shall be available for the operations and devel-
22 opment of training and technology for the Joint Inter-
23 agency Training and Education Center and the affiliated
24 Center for National Response at the Memorial Tunnel and
25 for providing homeland defense/security and traditional

1 warfighting training to the Department of Defense, other
2 Federal agencies, and State and local first responder per-
3 sonnel at the Joint Interagency Training and Education
4 Center.

5 SEC. 8088. Notwithstanding any other provision of
6 law or regulation, during the current fiscal year and here-
7 after, the Secretary of Defense may adjust wage rates for
8 civilian employees hired for certain health care occupa-
9 tions as authorized for the Secretary of Veterans Affairs
10 by section 7455 of title 38, United States Code.

11 SEC. 8089. Up to \$15,000,000 of the funds appro-
12 priated under the heading “Operation and Maintenance,
13 Navy” may be made available for the Asia Pacific Re-
14 gional Initiative Program for the purpose of enabling the
15 Pacific Command to execute Theater Security Cooperation
16 activities such as humanitarian assistance, and payment
17 of incremental and personnel costs of training and exer-
18 cising with foreign security forces: *Provided*, That funds
19 made available for this purpose may be used, notwith-
20 standing any other funding authorities for humanitarian
21 assistance, security assistance or combined exercise ex-
22 penses: *Provided further*, That funds may not be obligated
23 to provide assistance to any foreign country that is other-
24 wise prohibited from receiving such type of assistance
25 under any other provision of law.

1 ~~SEC. 8090.~~ None of the funds appropriated by this
2 Act for programs of the Office of the Director of National
3 Intelligence shall remain available for obligation beyond
4 the current fiscal year, except for funds appropriated for
5 research and technology, which shall remain available until
6 September 30, 2012.

7 ~~SEC. 8091.~~ For purposes of section 1553(b) of title
8 31, United States Code, any subdivision of appropriations
9 made in this Act under the heading “Shipbuilding and
10 Conversion, Navy” shall be considered to be for the same
11 purpose as any subdivision under the heading “Ship-
12 building and Conversion, Navy” appropriations in any
13 prior fiscal year, and the 1 percent limitation shall apply
14 to the total amount of the appropriation.

15 ~~SEC. 8092.~~ Notwithstanding any other provision of
16 law, not more than 35 percent of funds provided in this
17 Act for environmental remediation may be obligated under
18 indefinite delivery/indefinite quantity contracts with a
19 total contract value of \$130,000,000 or higher.

20 ~~SEC. 8093.~~ The Director of National Intelligence
21 shall include the budget exhibits identified in paragraphs
22 (1) and (2) as described in the Department of Defense
23 Financial Management Regulation with the congressional
24 budget justification books:

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

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

12 SEC. 8094. The Secretary of Defense shall create a
13 major force program category for space for each future-
14 years defense program of the Department of Defense sub-
15 mitted to Congress under section 221 of title 10, United
16 States Code, during fiscal year 2011. The Secretary of De-
17 fense shall designate an official in the Office of the Sec-
18 retary of Defense to provide overall supervision of the
19 preparation and justification of program recommendations
20 and budget proposals to be included in such major force
21 program category.

22 SEC. 8095. (a) Not later than 60 days after enact-
23 ment of this Act, the Office of the Director of National
24 Intelligence shall submit a report to the congressional in-
25 telligence committees to establish the baseline for applica-

1 tion of reprogramming and transfer authorities for fiscal
2 year 2011: *Provided*, That the report shall include—

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

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

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

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

20 SEC. 8096. The Director of National Intelligence
21 shall submit to Congress each year, at or about the time
22 that the President's budget is submitted to Congress that
23 year under section 1105(a) of title 31, United States
24 Code, a future-years intelligence program (including asso-
25 ciated annexes) reflecting the estimated expenditures and

1 proposed appropriations included in that budget. Any such
2 future-years intelligence program shall cover the fiscal
3 year with respect to which the budget is submitted and
4 at least the four succeeding fiscal years.

5 SEC. 8097. For the purposes of this Act, the term
6 “congressional intelligence committees” means the Perma-
7 nent Select Committee on Intelligence of the House of
8 Representatives, the Select Committee on Intelligence of
9 the Senate, the Subcommittee on Defense of the Com-
10 mittee on Appropriations of the House of Representatives,
11 and the Subcommittee on Defense of the Committee on
12 Appropriations of the Senate.

13 SEC. 8098. The Department of Defense shall con-
14 tinue to report incremental contingency operations costs
15 for Operation New Dawn and Operation Enduring Free-
16 dom on a monthly basis in the Cost of War Execution
17 Report as prescribed in the Department of Defense Finan-
18 cial Management Regulation Department of Defense In-
19 struction 7000.14, Volume 12, Chapter 23 “Contingency
20 Operations”, Annex 1, dated September 2005.

21 SEC. 8099. The amounts appropriated in title II of
22 this Act are hereby reduced by \$1,983,000,000 to reflect
23 excess cash balances in Department of Defense Working
24 Capital Funds, as follows: (1) From “Operation and Main-

1 tenance, Army”, \$700,000,000; and (2) From “Operation
2 and Maintenance, Defense-Wide”, \$1,283,000,000.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 8100. During the current fiscal year, not to ex-
5 ceed \$11,000,000 from each of the appropriations made
6 in title II of this Act for “Operation and Maintenance,
7 Army”, “Operation and Maintenance, Navy”, and “Oper-
8 ation and Maintenance, Air Force” may be transferred by
9 the military department concerned to its central fund es-
10 tablished for Fisher Houses and Suites pursuant to sec-
11 tion 2493(d) of title 10, United States Code.

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 8101. Of the funds appropriated in the Intel-
14 ligence Community Management Account for the Program
15 Manager for the Information Sharing Environment,
16 \$24,000,000 is available for transfer by the Director of
17 National Intelligence to other departments and agencies
18 for purposes of Government-wide information sharing ac-
19 tivities: *Provided*, That funds transferred under this provi-
20 sion are to be merged with and available for the same pur-
21 poses and time period as the appropriation to which trans-
22 ferred: *Provided further*, That the Office of Management
23 and Budget must approve any transfers made under this
24 provision.

1 SEC. 8102. Funds appropriated by this Act for oper-
2 ation and maintenance may be available for the purpose
3 of making remittances to the Defense Acquisition Work-
4 force Development Fund in accordance with the require-
5 ments of section 1705 of title 10, United States Code.

6 SEC. 8103. (a) Any agency receiving funds made
7 available in this Act, shall, subject to subsections (b) and
8 (c), post on the public website of that agency any report
9 required to be submitted by the Congress in this or any
10 other Act, upon the determination by the head of the agen-
11 cy that it shall serve the national interest.

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

13 (1) the public posting of the report com-
14 promises national security; or

15 (2) the report contains proprietary information.

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

20 SEC. 8104. (a) None of the funds appropriated or
21 otherwise made available by this Act may be expended for
22 any Federal contract for an amount in excess of
23 \$1,000,000 unless the contractor agrees not to—

24 (1) enter into any agreement with any of its
25 employees or independent contractors that requires,

1 as a condition of employment, that the employee or
2 independent contractor agree to resolve through ar-
3 bitration any claim under title VII of the Civil
4 Rights Act of 1964 or any tort related to or arising
5 out of sexual assault or harassment, including as-
6 sault and battery, intentional infliction of emotional
7 distress, false imprisonment, or negligent hiring, su-
8 pervision, or retention; or

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

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

1 contractor performing work related to such subcontract.
2 For purposes of this subsection, a “covered subcon-
3 tractor” is an entity that has a subcontract in excess of
4 \$1,000,000 on a contract subject to subsection (a).

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

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

1 fore the contract or subcontract addressed in the deter-
2 mination may be awarded.

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

9 SEC. 8105. (a) PROHIBITION ON CONVERSION OF
10 FUNCTIONS PERFORMED BY FEDERAL EMPLOYEES TO
11 CONTRACTOR PERFORMANCE.—None of the funds appro-
12 priated by this Act or otherwise available to the Depart-
13 ment of Defense may be used to begin or announce the
14 competition to award to a contractor or convert to per-
15 formance by a contractor any functions performed by Fed-
16 eral employees pursuant to a study conducted under Office
17 of Management and Budget (OMB) Circular A-76.

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

1 SEC. 8106. (a)(1) No National Intelligence Program
2 funds appropriated in this Act may be used for a mission
3 critical or mission essential business management infor-
4 mation technology system that is not registered with the
5 Director of National Intelligence. A system shall be con-
6 sidered to be registered with that officer upon the fur-
7 nishing notice of the system, together with such informa-
8 tion concerning the system as the Director of the Business
9 Transformation Office may prescribe.

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

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

1 have been taken for systems approved under paragraph
2 (1):

3 (1) ~~Business process reengineering.~~

4 (2) ~~An analysis of alternatives and an economic
5 analysis that includes a calculation of the return on
6 investment.~~

7 (3) ~~Assurance the system is compatible with the
8 enterprise-wide business architecture.~~

9 (4) ~~Performance measures.~~

10 (5) ~~An information assurance strategy con-
11 sistent with the Chief Information Officer of the In-
12 telligence Community.~~

13 (e) ~~This section shall not apply to any programmatic
14 or analytic systems or programmatic or analytic system
15 improvements.~~

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 8107. ~~Of the funds appropriated in this Act for
18 the Office of the Director of National Intelligence,
19 \$50,000,000, may be transferred to appropriations avail-
20 able to the Central Intelligence Agency, the National Secu-
21 rity Agency, and the National Geospatial Intelligence
22 Agency, the Defense Intelligence Agency and the National
23 Reconnaissance Office for the Business Transformation
24 Transfer Funds, to be merged with and to be available
25 for the same time period and the same purposes as the~~

1 appropriation to which transferred: *Provided*, That the
2 transfer authority provided under this provision is in addi-
3 tion to any other transfer authority contained in this Act.

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 8108. In addition to funds made available else-
6 where in this Act, there is hereby appropriated
7 \$538,875,000, to remain available until transferred: *Pro-*
8 *vided*, That these funds are appropriated to the “Tanker
9 Replacement Transfer Fund” (referred to as “the Fund”
10 elsewhere in this section): *Provided further*, That the Sec-
11 retary of the Air Force may transfer amounts in the Fund
12 to “Operation and Maintenance, Air Force”, “Aircraft
13 Procurement, Air Force”, and “Research, Development,
14 Test and Evaluation, Air Force”, only for the purposes
15 of proceeding with a tanker acquisition program: *Provided*
16 *further*, That funds transferred shall be merged with and
17 be available for the same purposes and for the same time
18 period as the appropriations or fund to which transferred:
19 *Provided further*, That this transfer authority is in addi-
20 tion to any other transfer authority available to the De-
21 partment of Defense: *Provided further*, That the Secretary
22 of the Air Force shall, not fewer than 15 days prior to
23 making transfers using funds provided in this section, no-
24 tify the congressional defense committees in writing of the
25 details of any such transfer: *Provided further*, That the

1 Secretary shall submit a report no later than 30 days after
2 the end of each fiscal quarter to the congressional defense
3 committees summarizing the details of the transfer of
4 funds from this appropriation.

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 8109. From within the funds appropriated for
7 operation and maintenance for the Defense Health Pro-
8 gram in this Act, up to \$132,200,000, shall be available
9 for transfer to the Joint Department of Defense-Depart-
10 ment of Veterans Affairs Medical Facility Demonstration
11 Fund in accordance with the provisions of section 1704
12 of the National Defense Authorization Act for Fiscal Year
13 2010, Public Law 111-84: *Provided*, That for purposes
14 of section 1704(b), the facility operations funded are oper-
15 ations of the integrated Captain James A. Lovell Federal
16 Health Care Center, consisting of the North Chicago Vet-
17 erans Affairs Medical Center, the Navy Ambulatory Care
18 Center, and supporting facilities designated as a combined
19 Federal medical facility as described by section 706 of
20 Public Law 110-417: *Provided further*, That additional
21 funds may be transferred from funds appropriated for op-
22 eration and maintenance for the Defense Health Program
23 to the Joint Department of Defense-Department of Vet-
24 erans Affairs Medical Facility Demonstration Fund upon
25 written notification by the Secretary of Defense to the

1 Committees on Appropriations of the House of Represent-
2 atives and the Senate.

3 SEC. 8110. (a) Of the amounts made available in this
4 Act under the heading “Operation and Maintenance,
5 Navy”, not less than \$2,000,000, shall be made available
6 for leveraging the Army’s Contractor Manpower Reporting
7 Application, modified as appropriate for Service-specific
8 requirements, for documenting the number of full-time
9 contractor employees (or its equivalent) pursuant to
10 United States Code title 10, section 2330a(e) and meeting
11 the requirements of United States Code title 10, section
12 2330a(e) and United States Code title 10, section 235.

13 (b) Of the amounts made available in this Act under
14 the heading “Operation and Maintenance, Air Force”, not
15 less than \$2,000,000 shall be made available for
16 leveraging the Army’s Contractor Manpower Reporting
17 Application, modified as appropriate for Service-specific
18 requirements, for documenting the number of full-time
19 contractor employees (or its equivalent) pursuant to
20 United States Code title 10 section 2330a(e) and meeting
21 the requirements of United States Code title 10, section
22 2330a(e) and United States Code title 10, section 235.

23 (c) The Secretaries of the Army, Navy, Air Force,
24 and the Directors of the Defense Agencies and Field Ac-
25 tivities (in coordination with the appropriate Principal

1 Staff Assistant); in coordination with the Under Secretary
2 of Defense for Personnel and Readiness, shall report to
3 the congressional defense committees within 60 days of
4 enactment of this Act their plan for documenting the num-
5 ber of full-time contractor employees (or its equivalent),
6 as required by United States Code title 10, section 2330a.

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 8111. In addition to amounts provided else-
9 where in this Act, there is appropriated \$250,000,000, for
10 an additional amount for “Operation and Maintenance,
11 Defense-Wide”, to be available until expended: *Provided*,
12 That such funds shall only be available to the Secretary
13 of Defense, acting through the Office of Economic Adjust-
14 ment of the Department of Defense, or for transfer to the
15 Secretary of Education, notwithstanding any other provi-
16 sion of law, to make grants, conclude cooperative agree-
17 ments, or supplement other Federal funds to construct,
18 renovate, repair, or expand elementary and secondary pub-
19 lic schools on military installations in order to address ca-
20 pacity or facility condition deficiencies at such schools:
21 *Provided further*, That in making such funds available, the
22 Office of Economic Adjustment or the Secretary of Edu-
23 cation shall give priority consideration to those military
24 installations with schools having the most serious capacity

1 or facility condition deficiencies as determined by the Sec-
2 retary of Defense.

3 ~~SEC. 8112.~~ In addition to amounts provided else-
4 where in this Act, there is appropriated \$300,000,000, for
5 an additional amount for “Operation and Maintenance,
6 Defense-Wide”, to remain available until expended. Such
7 funds may be available for the Office of Economic Adjust-
8 ment, notwithstanding any other provision of law, for
9 transportation infrastructure improvements associated
10 with medical facilities related to recommendations of the
11 Defense Base Closure and Realignment Commission.

12 ~~SEC. 8113.~~ Section 310(b) of the Supplemental Ap-
13 propriations Act, 2009 (Public Law 111-32, 123 Stat.
14 1871) is amended by striking “1 year” both places it ap-
15 pears and inserting “2 years”.

16 ~~SEC. 8114.~~ The Office of the Director of National
17 Intelligence shall not employ more Senior Executive em-
18 ployees than are specified in the classified annex. *Pro-*
19 *vided,* That not later than 90 days after enactment of this
20 Act, the Director of National Intelligence shall certify that
21 the Office of the Director of National Intelligence selects
22 individuals for Senior Executive positions in a manner
23 consistent with statutes, regulations, and the requirements
24 of other Federal agencies in making such appointments
25 and will submit its policies and procedures related to the

1 appointment of personnel to Senior Executive positions to
2 the congressional intelligence oversight committees.

3 SEC. 8115. For all major defense acquisition pro-
4 grams for which the Department of Defense plans to pro-
5 ceed to source selection during the current fiscal year, the
6 Secretary of Defense shall perform an assessment of the
7 winning bidder to determine whether or not the proposed
8 costs are realistic and reasonable with respect to proposed
9 development and production costs. The Secretary of De-
10 fense shall provide a report of these assessments, to spe-
11 cifically include whether any cost assessments determined
12 that such proposed costs were unreasonable or unrealistic,
13 to the congressional defense committees not later than 60
14 days after enactment of this Act and on a quarterly basis
15 thereafter.

16 SEC. 8116. (a) The Deputy Under Secretary of De-
17 fense for Installations and Environment, in collaboration
18 with the Secretary of Energy, shall conduct energy secu-
19 rity pilot projects at facilities of the Department of De-
20 fense.

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

1 SEC. 8117. None of the funds appropriated or other-
2 wise made available by this Act may be obligated or ex-
3 pended to pay a retired general or flag officer to serve
4 as a senior mentor advising the Department of Defense
5 unless such retired officer files a Standard Form 278 (or
6 successor form concerning public financial disclosure
7 under part 2634 of title 5, Code of Federal Regulations)
8 to the Office of Government Ethics.

9 SEC. 8118. Not later than 180 days after the date
10 of the enactment of this Act, the Secretary of Defense,
11 the Chief of the Air Force Reserve, and the Director of
12 the National Guard Bureau, in collaboration with the Sec-
13 retary of Agriculture and the Secretary of the Interior,
14 shall submit to the Committees on Appropriations of the
15 House and Senate, the House Committee on Agriculture,
16 the Senate Committee on Agriculture, Nutrition and For-
17 estry, the House Committee on Natural Resources, and
18 the Senate Committee on Energy and Natural Resources
19 a report of firefighting aviation assets. The report re-
20 quired under this section shall include each of the fol-
21 lowing:

22 (1) A description of the programming details
23 necessary to obtain an appropriate mix of fixed wing
24 and rotor wing firefighting assets needed to produce
25 an effective aviation resource base to support the

1 wildland fire management program into the future.
2 Such programming details shall include the acquisition
3 and contracting needs of the mix of aviation re-
4 sources fleet, including the acquisition of up to 24
5 C-130Js equipped with the Mobile Airborne Fire
6 Fighting System II (in this section referred to as
7 “MAFFS”), to be acquired over several fiscal years
8 starting in fiscal year 2012.

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

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

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

1 (B) Associated maintenance and other sup-
2 port personnel and requirement for full-time
3 equivalent positions.

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

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

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

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

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

1 SEC. 8119. The explanatory statement regarding this
2 Act, printed in the House of Representatives section of
3 the Congressional Record on or about February 16, 2011,
4 by the Chairman of the Committee on Appropriations of
5 the House, shall have the same effect with respect to the
6 allocation of funds and implementation of this Act as if
7 it were a Report of the Committee on Appropriations.

8 TITLE IX

9 OVERSEAS CONTINGENCY OPERATIONS

10 MILITARY PERSONNEL

11 MILITARY PERSONNEL, ARMY

12 For an additional amount for “Military Personnel,
13 Army”, \$11,468,033,000: *Provided*, That each amount in
14 this paragraph is designated as being for contingency op-
15 erations directly related to the global war on terrorism
16 pursuant to section 3(c)(2) of H. Res. 5 (112th Congress)
17 and as an emergency requirement pursuant to section
18 403(a) of S. Con. Res. 13 (111th Congress), the concur-
19 rent resolution on the budget for fiscal year 2010.

20 MILITARY PERSONNEL, NAVY

21 For an additional amount for “Military Personnel,
22 Navy”, \$1,308,719,000: *Provided*, That each amount in
23 this paragraph is designated as being for contingency op-
24 erations directly related to the global war on terrorism
25 pursuant to section 3(c)(2) of H. Res. 5 (112th Congress)

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

4 MILITARY PERSONNEL, MARINE CORPS

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

13 MILITARY PERSONNEL, AIR FORCE

14 For an additional amount for “Military Personnel,
15 Air Force”, \$2,060,442,000: *Provided*, That each amount
16 in this paragraph is designated as being for contingency
17 operations directly related to the global war on terrorism
18 pursuant to section 3(e)(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 concur-
21 rent resolution on the budget for fiscal year 2010.

22 RESERVE PERSONNEL, ARMY

23 For an additional amount for “Reserve Personnel,
24 Army”, \$268,031,000: *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(e)(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 **RESERVE PERSONNEL, NAVY**

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

15 **RESERVE PERSONNEL, MARINE CORPS**

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

1 RESERVE PERSONNEL, AIR FORCE

2 For an additional amount for “Reserve Personnel,
3 Air Force”, \$27,002,000: *Provided*, That each amount in
4 this paragraph is designated as being for contingency op-
5 erations directly related to the global war on terrorism
6 pursuant to section 3(e)(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 concu-
9 rent resolution on the budget for fiscal year 2010.

10 NATIONAL GUARD PERSONNEL, ARMY

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

19 NATIONAL GUARD PERSONNEL, AIR FORCE

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

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

3 OPERATION AND MAINTENANCE

4 OPERATION AND MAINTENANCE, ARMY

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

13 OPERATION AND MAINTENANCE, NAVY

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

22 OPERATION AND MAINTENANCE, MARINE CORPS

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

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

7 OPERATION AND MAINTENANCE, AIR FORCE

8 For an additional amount for “Operation and Main-
9 tenance, Air Force”, \$12,989,643,000: *Provided*, That
10 each amount in this paragraph is designated as being for
11 contingency operations directly related to the global war
12 on terrorism pursuant to section 3(e)(2) of H. Res. 5
13 (112th Congress) and as an emergency requirement pur-
14 suant to section 403(a) of S. Con. Res. 13 (111th Con-
15 gress); the concurrent resolution on the budget for fiscal
16 year 2010.

17 OPERATION AND MAINTENANCE, DEFENSE-WIDE

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

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

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

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

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

14 OPERATION AND MAINTENANCE, ARMY RESERVE

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

1 OPERATION AND MAINTENANCE, NAVY RESERVE

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

11 OPERATION AND MAINTENANCE, MARINE CORPS

12 RESERVE

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

22 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

23 For an additional amount for “Operation and Main-
24 tenance, Air Force Reserve”, \$203,807,000: *Provided*,
25 That each amount in this paragraph is designated as

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

7 OPERATION AND MAINTENANCE, ARMY NATIONAL
 8 GUARD

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

18 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

19 For an additional amount for “Operation and Main-
 20 tenance, Air National Guard”, \$417,983,000: *Provided*,
 21 That each amount in this paragraph is designated as
 22 being for contingency operations directly related to the
 23 global war on terrorism pursuant to section 3(e)(2) of H.
 24 Res. 5 (112th Congress) and as an emergency requirement
 25 pursuant 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 **AFGHANISTAN INFRASTRUCTURE FUND**

4 (INCLUDING TRANSFER OF FUNDS)

5 There is hereby established in the Treasury of the
6 United States the “Afghanistan Infrastructure Fund”.
7 For the “Afghanistan Infrastructure Fund”,
8 \$400,000,000, to remain available until September 30,
9 2012: *Provided*, That such sums shall be available for in-
10 frastructure projects in Afghanistan, notwithstanding any
11 other provision of law, which shall be undertaken by the
12 Secretary of State, unless the Secretary of State and the
13 Secretary of Defense jointly decide that a specific project
14 will be undertaken by the Department of Defense: *Pro-*
15 *vided further*, That the infrastructure referred to in the
16 preceding proviso is in support of the counterinsurgency
17 strategy, requiring funding for facility and infrastructure
18 projects, including, but not limited to, water, power, and
19 transportation projects and related maintenance and
20 sustainment costs: *Provided further*, That the authority to
21 undertake such infrastructure projects is in addition to
22 any other authority to provide assistance to foreign na-
23 tions: *Provided further*, That any projects funded by this
24 appropriation shall be jointly formulated and concurred in
25 by the Secretary of State and Secretary of Defense: *Pro-*

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

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

17 AFGHANISTAN SECURITY FORCES FUND

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

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

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

7 IRAQ SECURITY FORCES FUND

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

1 upon the obligation of any contribution, delineating the
2 sources and amounts of the funds received and the specific
3 use of such contributions: *Provided further*, That the Sec-
4 retary of Defense shall, not fewer than 15 days prior to
5 obligating from this appropriation account, notify the con-
6 gressional defense committees in writing of the details of
7 any such obligation: *Provided further*, That the Secretary
8 of Defense shall notify the congressional defense commit-
9 tees of any proposed new projects or transfer of funds be-
10 tween budget sub-activity groups in excess of
11 \$20,000,000: *Provided further*, That each amount in this
12 paragraph is designated as being for contingency oper-
13 ations directly related to the global war on terrorism pur-
14 suant to section 3(e)(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 PROCUREMENT

19 AIRCRAFT PROCUREMENT, ARMY

20 For an additional amount for “Aircraft Procurement,
21 Army”, \$2,720,138,000, to remain available until Sep-
22 tember 30, 2013: *Provided*, That each amount in this
23 paragraph is designated as being for contingency oper-
24 ations directly related to the global war on terrorism pur-
25 suant to section 3(e)(2) of H. Res. 5 (112th Congress)

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

4 MISSILE PROCUREMENT, ARMY

5 For an additional amount for “Missile Procurement,
6 Army”, \$343,828,000, to remain available until Sep-
7 tember 30, 2013: *Provided*, That each amount in this
8 paragraph is designated as being for contingency oper-
9 ations directly related to the global war on terrorism pur-
10 suant 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 PROCUREMENT OF WEAPONS AND TRACKED COMBAT

15 VEHICLES, ARMY

16 For an additional amount for “Procurement of Weap-
17 ons and Tracked Combat Vehicles, Army”, \$896,996,000,
18 to remain available until September 30, 2013: *Provided*,
19 That each amount in this paragraph is designated as
20 being for contingency operations directly related to the
21 global war on terrorism pursuant to section 3(e)(2) of H.
22 Res. 5 (112th Congress) and as an emergency requirement
23 pursuant 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 PROCUREMENT OF AMMUNITION, ARMY

2 For an additional amount for “Procurement of Am-
3 munition, Army”, \$369,885,000, 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(e)(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 OTHER PROCUREMENT, ARMY

12 For an additional amount for “Other Procurement,
13 Army”, \$6,423,832,000, to remain available until Sep-
14 tember 30, 2013: *Provided*, That each amount in this
15 paragraph is designated as being for contingency oper-
16 ations directly related to the global war on terrorism pur-
17 suant to section 3(e)(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 AIRCRAFT PROCUREMENT, NAVY

22 For an additional amount for “Aircraft Procurement,
23 Navy”, \$1,269,549,000, 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(e)(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 WEAPONS PROCUREMENT, NAVY

7 For an additional amount for “Weapons Procure-
8 ment, Navy”, \$90,502,000, to remain available until Sep-
9 tember 30, 2013: *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(e)(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 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
17 CORPS

18 For an additional amount for “Procurement of Am-
19 munition, Navy and Marine Corps”, \$558,024,000, to re-
20 main available until September 30, 2013: *Provided*, That
21 each amount in this paragraph is designated as being for
22 contingency operations directly related to the global war
23 on terrorism pursuant to section 3(e)(2) of H. Res. 5
24 (112th Congress) and as an emergency requirement pur-
25 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 OTHER PROCUREMENT, NAVY

4 For an additional amount for “Other Procurement,
5 Navy”, \$316,835,000, to remain available until September
6 30, 2013: *Provided*, That each amount in this paragraph
7 is designated as being for contingency operations directly
8 related 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 PROCUREMENT, MARINE CORPS

14 For an additional amount for “Procurement, Marine
15 Corps”, \$1,589,119,000, to remain available until Sep-
16 tember 30, 2013: *Provided*, That each amount in this
17 paragraph is designated as being for contingency oper-
18 ations directly related to the global war on terrorism pur-
19 suant to section 3(c)(2) of H. Res. 5 (112th Congress)
20 and as an emergency requirement pursuant to section
21 403(a) of S. Con. Res. 13 (111th Congress), the concur-
22 rent resolution on the budget for fiscal year 2010.

23 AIRCRAFT PROCUREMENT, AIR FORCE

24 For an additional amount for “Aircraft Procurement,
25 Air Force”, \$1,991,955,000, to remain available until

1 September 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(e)(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 MISSILE PROCUREMENT, AIR FORCE

9 For an additional amount for “Missile Procurement,
10 Air Force”, \$56,621,000, 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(e)(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 PROCUREMENT OF AMMUNITION, AIR FORCE

19 For an additional amount for “Procurement of Am-
20 munition, Air Force”, \$292,959,000, to remain available
21 until September 30, 2013: *Provided*, That each amount
22 in this paragraph is designated as being for contingency
23 operations directly related to the global war on terrorism
24 pursuant to section 3(e)(2) of H. Res. 5 (112th Congress)
25 and as an emergency requirement pursuant to section

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

3 OTHER PROCUREMENT, AIR FORCE

4 For an additional amount for “Other Procurement,
5 Air Force”, \$2,868,593,000, to remain available until
6 September 30, 2013: *Provided*, That each amount in this
7 paragraph is designated as being for contingency oper-
8 ations directly related to the global war on terrorism pur-
9 suant to section 3(e)(2) of H. Res. 5 (112th Congress)
10 and as an emergency requirement pursuant to section
11 403(a) of S. Con. Res. 13 (111th Congress), the concur-
12 rent resolution on the budget for fiscal year 2010.

13 PROCUREMENT, DEFENSE-WIDE

14 For an additional amount for “Procurement, De-
15 fense-Wide”, \$1,262,499,000, to remain available until
16 September 30, 2013: *Provided*, That each amount in this
17 paragraph is designated as being for contingency oper-
18 ations directly related to the global war on terrorism pur-
19 suant to section 3(e)(2) of H. Res. 5 (112th Congress)
20 and as an emergency requirement pursuant to section
21 403(a) of S. Con. Res. 13 (111th Congress), the concur-
22 rent resolution on the budget for fiscal year 2010.

23 NATIONAL GUARD AND RESERVE EQUIPMENT

24 For procurement of aircraft, missiles, tracked combat
25 vehicles, ammunition, other weapons and other procure-

1 ment for the reserve components of the Armed Forces,
2 \$850,000,000, to remain available for obligation until Sep-
3 tember 30, 2013, of which \$250,000,000 shall be available
4 only for the Army National Guard: *Provided*, That the
5 Chiefs of National Guard and Reserve components shall,
6 not later than 30 days after the enactment of this Act,
7 individually submit to the congressional defense commit-
8 tees the modernization priority assessment for their re-
9 spective National Guard or Reserve component: *Provided*
10 *further*, That each amount in this paragraph is designated
11 as being for contingency operations directly related to the
12 global war on terrorism pursuant to section 3(e)(2) of H.
13 Res. 5 (112th Congress) and as an emergency requirement
14 pursuant to section 403(a) of S. Con. Res. 13 (111th Con-
15 gress), the concurrent resolution on the budget for fiscal
16 year 2010.

17 MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND
18 (INCLUDING TRANSFER OF FUNDS)

19 For the Mine Resistant Ambush Protected Vehicle
20 Fund, \$3,415,000,000, to remain available until Sep-
21 tember 30, 2012: *Provided*, That such funds shall be avail-
22 able to the Secretary of Defense, notwithstanding any
23 other provision of law, to procure, sustain, transport, and
24 field Mine Resistant Ambush Protected vehicles: *Provided*
25 *further*, That the Secretary shall transfer such funds only

1 to appropriations made available in this or any other Act
2 for operation and maintenance; procurement; research; de-
3 velopment, test and evaluation; and defense working cap-
4 ital funds to accomplish the purpose provided herein: *Pro-*
5 *vided further,* That such transferred funds shall be merged
6 with and be available for the same purposes and the same
7 time period as the appropriation to which transferred:
8 *Provided further,* That this transfer authority is in addi-
9 tion to any other transfer authority available to the De-
10 partment of Defense: *Provided further,* That the Secretary
11 shall, not fewer than 10 days prior to making transfers
12 from this appropriation, notify the congressional defense
13 committees in writing of the details of any such transfer:
14 *Provided further,* That each amount in this paragraph is
15 designated as being for contingency operations directly re-
16 lated to the global war on terrorism pursuant to section
17 3(e)(2) of H. Res. 5 (112th Congress) and as an emer-
18 gency requirement pursuant to section 403(a) of S. Con-
19 Res. 13 (111th Congress); the concurrent resolution on
20 the budget for fiscal year 2010.

1 RESEARCH, DEVELOPMENT, TEST AND
 2 EVALUATION

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION;
 4 ARMY

5 For an additional amount for “Research, Develop-
 6 ment, Test and Evaluation, Army”, \$143,234,000, to re-
 7 main available until September 30, 2012: *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(e)(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 RESEARCH, DEVELOPMENT, TEST AND EVALUATION;
 16 NAVY

17 For an additional amount for “Research, Develop-
 18 ment, Test and Evaluation, Navy”, \$104,781,000, 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(e)(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 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
4 AIR FORCE

5 For an additional amount for “Research, Develop-
6 ment, Test and Evaluation, Air Force”, \$484,382,000, to
7 remain available until September 30, 2012: *Provided*,
8 That each amount in this paragraph is designated as
9 being for contingency operations directly related to the
10 global war on terrorism pursuant to section 3(e)(2) of H.
11 Res. 5 (112th Congress) and as an emergency requirement
12 pursuant 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 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
16 DEFENSE-WIDE

17 For an additional amount for “Research, Develop-
18 ment, Test and Evaluation, Defense-Wide”,
19 \$222,616,000, to remain available until September 30,
20 2012: *Provided*, That each amount in this paragraph is
21 designated as being for contingency operations directly re-
22 lated to the global war on terrorism pursuant to section
23 3(e)(2) of H. Res. 5 (112th Congress) and as an emer-
24 gency requirement pursuant to section 403(a) of S. Con.

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

3 REVOLVING AND MANAGEMENT FUNDS

4 DEFENSE WORKING CAPITAL FUNDS

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

13 OTHER DEPARTMENT OF DEFENSE PROGRAMS

14 DEFENSE HEALTH PROGRAM

15 For an additional amount for “Defense Health Pro-
16 gram”, \$1,422,092,000, of which \$1,398,092,000 shall be
17 for operation and maintenance, to remain available until
18 September 30, 2011, and of which \$24,000,000 shall be
19 for research, development, test and evaluation, to remain
20 available until September 30, 2012: *Provided*, That each
21 amount in this paragraph is designated as being for con-
22 tingency operations directly related to the global war on
23 terrorism pursuant to section 3(e)(2) of H. Res. 5 (112th
24 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 ~~DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,~~
4 ~~DEFENSE~~

5 For an additional amount for “Drug Interdiction and
6 Counter-Drug Activities, Defense”, \$440,510,000, to re-
7 main available until September 30, 2012: *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(e)(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 ~~JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND~~
16 ~~(INCLUDING TRANSFER OF FUNDS)~~

17 For the “Joint Improvised Explosive Device Defeat
18 Fund”, \$2,793,768,000, to remain available until Sep-
19 tember 30, 2013: *Provided*, That such funds shall be avail-
20 able to the Secretary of Defense, notwithstanding any
21 other provision of law, for the purpose of allowing the Di-
22 rector of the Joint Improvised Explosive Device Defeat
23 Organization to investigate, develop and provide equip-
24 ment, supplies, services, training, facilities, personnel and
25 funds to assist United States forces in the defeat of impro-

1 vised explosive devices: *Provided further*, That the Sec-
2 retary of Defense may transfer funds provided herein to
3 appropriations for military personnel; operation and main-
4 tenance; procurement; research, development, test and
5 evaluation; and defense working capital funds to accom-
6 plish the purpose provided herein: *Provided further*, That
7 this transfer authority is in addition to any other transfer
8 authority available to the Department of Defense: *Pro-*
9 *vided further*, That the Secretary of Defense shall, not
10 fewer than 15 days prior to making transfers from this
11 appropriation, notify the congressional defense committees
12 in writing of the details of any such transfer: *Provided*
13 *further*, That each amount in this paragraph is designated
14 as being for contingency operations directly related to the
15 global war on terrorism pursuant to section 3(c)(2) of H.
16 Res. 5 (112th Congress) and as an emergency requirement
17 pursuant to section 403(a) of S. Con. Res. 13 (111th Con-
18 gress); the concurrent resolution on the budget for fiscal
19 year 2010.

20 OFFICE OF THE INSPECTOR GENERAL

21 For an additional amount for the “Office of the In-
22 spector General”, \$10,529,000: *Provided*, That each
23 amount in this paragraph is designated as being for con-
24 tingency operations directly related to the global war on
25 terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th

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

4 GENERAL PROVISIONS—THIS TITLE

5 SEC. 9001. Notwithstanding any other provision of
6 law, funds made available in this title are in addition to
7 amounts appropriated or otherwise made available for the
8 Department of Defense for fiscal year 2011.

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 9002. Upon the determination of the Secretary
11 of Defense that such action is necessary in the national
12 interest, the Secretary may, with the approval of the Of-
13 fice of Management and Budget, transfer up to
14 \$4,000,000,000 between the appropriations or funds made
15 available to the Department of Defense in this title: *Pro-*
16 *vided*, That the Secretary shall notify the Congress
17 promptly of each transfer made pursuant to the authority
18 in this section: *Provided further*, That the authority pro-
19 vided in this section is in addition to any other transfer
20 authority available to the Department of Defense and is
21 subject to the same terms and conditions as the authority
22 provided in the Department of Defense Appropriations
23 Act, 2011.

24 SEC. 9003. Supervision and administration costs as-
25 sociated with a construction project funded with appro-

1 priations available for operation and maintenance or the
2 “Afghanistan Security Forces Fund” provided in this Act
3 and executed in direct support of overseas contingency op-
4 erations in Afghanistan, may be obligated at the time a
5 construction contract is awarded: *Provided*, That for the
6 purpose of this section, supervision and administration
7 costs include all in-house Government costs.

8 SEC. 9004. From funds made available in this title,
9 the Secretary of Defense may purchase for use by military
10 and civilian employees of the Department of Defense in
11 Iraq and Afghanistan: (a) passenger motor vehicles up to
12 a limit of \$75,000 per vehicle; and (b) heavy and light
13 armored vehicles for the physical security of personnel or
14 for force protection purposes up to a limit of \$250,000
15 per vehicle, notwithstanding price or other limitations ap-
16 plicable to the purchase of passenger carrying vehicles.

17 SEC. 9005. Not to exceed \$500,000,000 of the
18 amount appropriated in this title under the heading “Op-
19 eration and Maintenance, Army” may be used, notwith-
20 standing any other provision of law, to fund the Com-
21 mander’s Emergency Response Program (CERP), for the
22 purpose of enabling military commanders in Iraq and Af-
23 ghanistan to respond to urgent, small scale, humanitarian
24 relief and reconstruction requirements within their areas
25 of responsibility: *Provided*, That projects (including any

1 ancillary or related elements in connection with such
2 project) executed under this authority shall not exceed
3 \$20,000,000: *Provided further,* That not later than 45
4 days after the end of each fiscal year quarter, the Sec-
5 retary of Defense shall submit to the congressional defense
6 committees a report regarding the source of funds and the
7 allocation and use of funds during that quarter that were
8 made available pursuant to the authority provided in this
9 section or under any other provision of law for the pur-
10 poses described herein: *Provided further,* That, not later
11 than 30 days after the end of each month, the Army shall
12 submit to the congressional defense committees monthly
13 commitment, obligation, and expenditure data for the
14 Commander's Emergency Response Program in Iraq and
15 Afghanistan: *Provided further,* That not less than 15 days
16 before making funds available pursuant to the authority
17 provided in this section or under any other provision of
18 law for the purposes described herein for a project with
19 a total anticipated cost for completion of \$5,000,000 or
20 more, the Secretary shall submit to the congressional de-
21 fense committees a written notice containing each of the
22 following:

23 (1) The location, nature and purpose of the
24 proposed project, including how the project is in-

1 tended to advance the military campaign plan for
2 the country in which it is to be carried out.

3 ~~(2)~~ The budget, implementation timeline with
4 milestones, and completion date for the proposed
5 project, including any other CERP funding that has
6 been or is anticipated to be contributed to the com-
7 pletion of the project.

8 ~~(3)~~ A plan for the sustainment of the proposed
9 project, including the agreement with either the host
10 nation, a non-Department of Defense agency of the
11 United States Government or a third party contrib-
12 utor to finance the sustainment of the activities and
13 maintenance of any equipment or facilities to be pro-
14 vided through the proposed project.

15 SEC. 9006. Funds available to the Department of De-
16 fense for operation and maintenance may be used, not-
17 withstanding any other provision of law, to provide sup-
18 plies, services, transportation, including airlift and sealift,
19 and other logistical support to coalition forces supporting
20 military and stability operations in Iraq and Afghanistan:
21 *Provided*, That the Secretary of Defense shall provide
22 quarterly reports to the congressional defense committees
23 regarding support provided under this section.

24 SEC. 9007. None of the funds appropriated or other-
25 wise made available by this or any other Act shall be obli-

1 gated or expended by the United States Government for
2 a purpose as follows:

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

6 (2) To exercise United States control over any
7 oil resource of Iraq.

8 (3) To establish any military installation or
9 base for the purpose of providing for the permanent
10 stationing of United States Armed Forces in Af-
11 ghanistan.

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

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

20 (2) Section 2242 of the Foreign Affairs Reform
21 and Restructuring Act of 1998 (division G of Public
22 Law 105-277; 112 Stat. 2681-822; 8 U.S.C. 1231
23 note) and regulations prescribed thereto, including
24 regulations under part 208 of title 8, Code of Fed-

1 eral Regulations, and part 95 of title 22, Code of
2 Federal Regulations.

3 ~~(3) Sections 1002 and 1003 of the Department~~
4 ~~of Defense, Emergency Supplemental Appropriations~~
5 ~~to Address Hurricanes in the Gulf of Mexico, and~~
6 ~~Pandemic Influenza Act, 2006 (Public Law 109-~~
7 ~~148).~~

8 SEC. 9009. (a) The Secretary of Defense shall submit
9 to the congressional defense committees not later than 45
10 days after the end of each fiscal quarter a report on the
11 proposed use of all funds appropriated by this or any prior
12 Act under each of the headings Iraq Security Forces
13 Fund, Afghanistan Security Forces Fund, Afghanistan In-
14 frastructure Fund, and Pakistan Counterinsurgency Fund
15 on a project-by-project basis, for which the obligation of
16 funds is anticipated during the 3-month period from such
17 date, including estimates for the accounts referred to in
18 this section of the costs required to complete each such
19 project.

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

22 (1) The use of all funds on a project-by-project
23 basis for which funds appropriated under the head-
24 ings referred to in subsection (a) were obligated
25 prior to the submission of the report, including esti-

1 mates for the accounts referred to in subsection (a)
2 of the costs to complete each project.

3 ~~(2) The use of all funds on a project-by-project~~
4 basis for which funds were appropriated under the
5 headings referred to in subsection (a) in prior appro-
6 priations Acts, or for which funds were made avail-
7 able by transfer, reprogramming, or allocation from
8 other headings in prior appropriations Acts, includ-
9 ing estimates for the accounts referred to in sub-
10 section (a) of the costs to complete each project.

11 ~~(3) An estimated total cost to train and equip~~
12 the Iraq, Afghanistan, and Pakistan security forces,
13 disaggregated by major program and sub-elements
14 by force, arrayed by fiscal year.

15 SEC. 9010. Funds made available in this title to the
16 Department of Defense for operation and maintenance
17 may be used to purchase items having an investment unit
18 cost of not more than \$250,000. *Provided, That,* upon de-
19 termination by the Secretary of Defense that such action
20 is necessary to meet the operational requirements of a
21 Commander of a Combatant Command engaged in contin-
22 gency operations overseas, such funds may be used to pur-
23 chase items having an investment item unit cost of not
24 more than \$500,000.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 9011. Of the funds appropriated by this Act for
3 the Office of the Director of National Intelligence,
4 \$3,375,000 is available, as specified in the classified
5 annex, for transfer to other departments and agencies of
6 the Federal Government.

7 SEC. 9012. (a) The Task Force for Business and Sta-
8 bility Operations in Afghanistan may, subject to the direc-
9 tion and control of the Secretary of Defense and with the
10 concurrence of the Secretary of State, carry out projects
11 in fiscal year 2011 to assist the commander of the United
12 States Central Command in developing a link between
13 United States military operations in Afghanistan under
14 Operation Enduring Freedom and the economic elements
15 of United States national power in order to reduce vio-
16 lence, enhance stability, and restore economic normalcy in
17 Afghanistan through strategic business and economic op-
18 portunities.

19 (b) The projects carried out under paragraph (a) may
20 include projects that facilitate private investment, indus-
21 trial development, banking and financial system develop-
22 ment, agricultural diversification and revitalization, and
23 energy development in and with respect to Afghanistan.

24 (c) The Secretary may use up to \$150,000,000 of the
25 funds available for overseas contingency operations in

1 “Operation and Maintenance, Army” for additional activi-
2 ties to carry out projects under paragraph (a).

3 ~~SEC. 9013.~~ (a) Not more than 85 percent of the
4 funds provided in this title for Operation and Maintenance
5 may be available for obligation or expenditure until the
6 date on which the Secretary of Defense submits the report
7 under subsection (b).

8 (b) Not later than 120 days after the date of the en-
9 actment of this Act, the Secretary of Defense shall submit
10 to the congressional defense committees a report on con-
11 tractor employees in the United States Central Command,
12 including—

13 (1) the number of employees of a contractor
14 awarded a contract by the Department of Defense
15 (including subcontractor employees) who are em-
16 ployed at the time of the report in the area of oper-
17 ations of the United States Central Command, in-
18 cluding a list of the number of such employees in
19 each of Iraq, Afghanistan, and all other areas of op-
20 erations of the United States Central Command; and

21 (2) for each fiscal year quarter beginning on
22 the date of the report and ending on September 30,
23 2012—

24 (A) the number of such employees planned
25 by the Secretary to be employed during each

1 such period in each of Iraq, Afghanistan, and
2 all other areas of operations of the United
3 States Central Command; and

4 (B) an explanation of how the number of
5 such employees listed under subparagraph (A)
6 relates to the planned number of military per-
7 sonnel in such locations.

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

10 **DIVISION B—FULL-YEAR CONTINUING**
11 **APPROPRIATIONS FOR FISCAL YEAR 2011**

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

18 **TITLE I—GENERAL PROVISIONS**

19 **SEC. 1101.** (a) Such amounts as may be necessary,
20 at the level specified in subsection (c) and under the au-
21 thority and conditions provided in applicable appropria-
22 tions Acts for fiscal year 2010, for projects or activities
23 (including the costs of direct loans and loan guarantees)
24 that are not otherwise specifically provided for, and for

1 which appropriations, funds, or other authority were made
2 available in the following appropriations Acts:

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

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

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

11 (4) The Department of the Interior, Environ-
12 ment, and Related Agencies Appropriations Act,
13 2010 (division A of Public Law 111–88).

14 (5) The Legislative Branch Appropriations Act,
15 2010 (division A of Public Law 111–68).

16 (6) The Consolidated Appropriations Act, 2010
17 (Public Law 111–117).

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

23 (8) The appropriation under the heading “De-
24 partment of Commerce—United States Patent and
25 Trademark Office” in the United States Patent and

1 Trademark Office Supplemental Appropriations Act,
2 2010 (Public Law 111-224).

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

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

15 (1) “Department of Labor, Employment Stand-
16 ards Administration, Special Benefits for Disabled
17 Coal Miners”, for benefit payments under title IV of
18 the Federal Mine Safety and Health Act of 1977,
19 \$41,000,000, to remain available until expended.

20 (2) “Department of Health and Human Serv-
21 ices, Centers for Medicare and Medicaid Services,
22 Grants to States for Medicaid”, for payments to
23 States or in the case of section 1928 on behalf of
24 States under title XIX of the Social Security Act,

1 ~~\$86,445,289,000,~~ to remain available until ex-
2 ~~pended.~~

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

11 ~~(4) “Department of Health and Human Serv-~~
12 ~~ices, Administration for Children and Families, Pay-~~
13 ~~ments to States for Foster Care and Permanency”,~~
14 ~~for payments to States or other non-Federal entities~~
15 ~~under title IV-E of the Social Security Act,~~
16 ~~\$1,850,000,000.~~

17 ~~(5) “Social Security Administration, Supple-~~
18 ~~mental Security Income Program”, for benefit pay-~~
19 ~~ments under title XVI of the Social Security Act,~~
20 ~~\$13,400,000,000, to remain available until ex-~~
21 ~~pended.~~

22 ~~SEC. 1110. Amounts incorporated by reference in this~~
23 ~~division that were previously designated as available for~~
24 ~~overseas deployments and other activities pursuant to S.~~
25 ~~Con. Res. 13 (111th Congress), the concurrent resolution~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 ~~(d) For the purposes of this section:~~

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

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

8 (B) is—

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

11 or

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

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

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

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

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

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

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

12 (2) is—

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

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

17 SEC. 1115. None of the funds appropriated or other-
18 wise made available by this division or any other Act (in-
19 cluding division A of this Act) may be obligated by any
20 covered executive agency in contravention of the certifi-
21 cation requirement of section 6(b) of the Iran Sanctions
22 Act of 1996, as included in the revisions to the Federal
23 Acquisition Regulation pursuant to such section.

24 SEC. 1116. Section 550(b) of Public Law 109–295,
25 as amended by section 550 of Public Law 111–83, shall

1 be applied by substituting the date specified in section
2 1106 of this division for “October 4, 2010”.

3 SEC. 1117. Section 1(b)(2) of the Passport Act of
4 June 4, 1920 (~~22 U.S.C. 214(b)(2)~~) shall be applied by
5 substituting the date specified in section 1106 of this divi-
6 sion for “September 30, 2010”.

7 SEC. 1118. (a) Section 1115(d) of Public Law 111-
8 32 shall be applied by substituting the date specified in
9 section 1106 of this division for “October 1, 2010”.

10 (b) Section 824(g) of the Foreign Service Act of 1980
11 (~~22 U.S.C. 4064(g)~~) shall be applied by substituting the
12 date specified in section 1106 of this division for “October
13 1, 2010” in paragraph (2).

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

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

22 SEC. 1119. The authority provided by section 1334
23 of the Foreign Affairs Reform and Restructuring Act of
24 1998 (~~22 U.S.C. 6553~~) shall remain in effect through the
25 date specified in section 1106 of this division.

1 SEC. 1120. The provisions of title H of the McKin-
2 ney-Vento Homeless Assistance Act (42 U.S.C. 11311 et
3 seq.) shall continue in effect, notwithstanding section 209
4 of such Act, through the earlier of: (1) the date specified
5 in section 1106 of this division; or (2) the date of the en-
6 actment into law of an authorization Act relating to the
7 McKinney-Vento Homeless Assistance Act.

8 TITLE H—AGRICULTURE, RURAL DEVELOP-
9 MENT, FOOD AND DRUG ADMINISTRATION,
10 AND RELATED AGENCIES

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

14 SEC. 1202. Notwithstanding section 1101, the level
15 for “Agricultural Programs, Office of Tribal Relations”
16 shall be \$0.

17 SEC. 1203. Notwithstanding section 1101, the level
18 for “Agricultural Programs, Executive Operations, Office
19 of Chief Economist” shall be \$10,032,000.

20 SEC. 1204. Notwithstanding section 1101, the level
21 for “Agricultural Programs, Executive Operations, Na-
22 tional Appeals Division” shall be \$14,711,000.

23 SEC. 1205. Notwithstanding section 1101, the level
24 for “Agricultural Programs, Executive Operations, Office
25 of Budget and Program Analysis” shall be \$9,054,000.

1 SEC. 1206. Notwithstanding section 1101, the level
2 for “Agricultural Programs, Office of Advocacy and Out-
3 reach” shall be \$0.

4 SEC. 1207. Notwithstanding section 1101, the level
5 for “Agricultural Programs, Office of the Chief Informa-
6 tion Officer” shall be \$17,000,000.

7 SEC. 1208. Notwithstanding section 1101, the level
8 for “Agricultural Programs, Office of the Chief Financial
9 Officer” shall be \$5,954,000.

10 SEC. 1209. Notwithstanding section 1101, the level
11 for “Agricultural Programs, Office of Civil Rights” shall
12 be \$21,551,000.

13 SEC. 1210. Notwithstanding section 1101, the level
14 for “Agricultural Programs, Agriculture Buildings and
15 Facilities and Rental Payments” shall be \$259,751,000,
16 of which \$178,470,000 shall be available for payments to
17 the General Services Administration for rent and of which
18 \$37,781,000 shall be for buildings operations and mainte-
19 nance expenses.

20 SEC. 1211. Notwithstanding section 1101, the level
21 for “Agricultural Programs, Hazardous Materials Man-
22 agement” shall be \$0.

23 SEC. 1212. Notwithstanding section 1101, the level
24 for “Agricultural Programs, Departmental Administra-
25 tion” shall be \$30,706,000.

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

4 ~~SEC. 1214.~~ Notwithstanding section 1101, the level
5 for “Agricultural Programs, Office of Communications”
6 shall be \$9,514,000.

7 ~~SEC. 1215.~~ Notwithstanding section 1101, the level
8 for “Agricultural Programs, Office of the Inspector Gen-
9 eral” shall be \$80,000,000.

10 ~~SEC. 1216.~~ Notwithstanding section 1101, the level
11 for “Agricultural Programs, Office of the General Coun-
12 sel” shall be \$39,620,000.

13 ~~SEC. 1217.~~ Notwithstanding section 1101, the level
14 for “Agricultural Programs, Economic Research Service”
15 shall be \$79,500,000.

16 ~~SEC. 1218.~~ Notwithstanding section 1101, the level
17 for “Agricultural Programs, National Agricultural Statis-
18 ties Service” shall be \$151,565,000: *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 “\$33,494,000” for “\$37,908,000”.

22 ~~SEC. 1219.~~ Notwithstanding section 1101, the level
23 for “Agricultural Programs, Agricultural Research Serv-
24 ice, Salaries and Expenses” shall be \$1,065,406,000.

1 SEC. 1220. Notwithstanding section 1101, the level
2 for “Agricultural Programs, Agricultural Research Serv-
3 ice, Buildings and Facilities” shall be \$0.

4 SEC. 1221. Notwithstanding section 1101, the level
5 for “Agricultural Programs, National Institute of Food
6 and Agriculture, Research and Education Activities” shall
7 be \$647,993,000. *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 “\$221,763,000” for “\$215,000,000”; by sub-
11 stituting “\$34,816,000” for “\$29,000,000”; by sub-
12 stituting “\$51,000,000” for “\$48,500,000”; by sub-
13 stituting “\$227,801,000” for “\$216,482,000”; by sub-
14 stituting “\$0” for “\$89,029,000”; by substituting
15 “\$20,500,000” for “\$18,250,000”; and by substituting
16 “\$11,253,000” for “\$45,122,000”.

17 SEC. 1222. Notwithstanding section 1101, the level
18 for “Agricultural Programs, National Institute of Food
19 and Agriculture, Extension Activities” shall be
20 \$453,265,000. *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 “\$267,673,000” for “\$297,500,000” and by sub-
24 stituting “\$8,565,000” for “\$20,396,000”.

1 SEC. 1223. Notwithstanding section 1101, the level
2 for “Agricultural Programs, National Institute of Food
3 and Agriculture, Integrated Activities” shall be
4 \$24,874,000: *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 “\$15,044,000” for “\$45,148,000”; by sub-
8 stituting “\$10,948,000” for “\$12,649,000”; by sub-
9 stituting “\$0” for “\$14,596,000”; by substituting “\$0”
10 for “\$4,388,000”; by substituting “\$0” for “\$1,365,000”;
11 by substituting “\$0” for “\$3,054,000”; by substituting
12 “\$0” for “\$5,000,000”; by substituting “\$0” for
13 “\$3,000,000”; by substituting “\$0” for “\$732,000”; and
14 by substituting “\$0” for “\$1,312,000”.

15 SEC. 1224. Notwithstanding section 1101, the level
16 for “Agricultural Programs, Animal and Plant Health In-
17 spection Service, Salaries and Expenses” shall be
18 \$829,953,000: *Provided*, That the amounts included under
19 such heading in Public Law 111–80 shall be applied to
20 funds appropriated by this division by substituting
21 “\$45,219,000” for “\$60,243,000”.

22 SEC. 1225. Notwithstanding section 1101, the level
23 for “Agricultural Programs, Agricultural Marketing Serv-
24 ice, Marketing Services” shall be \$81,711,000.

1 SEC. 1226. Notwithstanding section 1101, the level
2 for “Agricultural Programs, Agricultural Marketing Serv-
3 ice, Limitation on Administrative Expenses” shall be
4 \$60,947,000 (from fees collected).

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

11 SEC. 1228. Notwithstanding section 1101, the level
12 for “Agricultural Programs, Grain Inspection, Packers
13 and Stockyards Administration, Salaries and Expenses”
14 shall be \$40,342,000.

15 SEC. 1229. Notwithstanding section 1101, the level
16 for “Agricultural Programs, Grain Inspection, Packers
17 and Stockyards Administration, Limitation on Inspection
18 and Weighing Services Expenses”, \$45,041,000.

19 SEC. 1230. Notwithstanding section 1101, the level
20 for “Agricultural Programs, Food Safety and Inspection
21 Service” shall be \$930,120,000.

22 SEC. 1231. Notwithstanding section 1101, the level
23 for “Agricultural Programs, Farm Service Agency, Sala-
24 ries and Expenses” shall be \$1,063,558,000.

1 ~~SEC. 1232.~~ Notwithstanding section 1101, the level
2 for “Agricultural Programs, Farm Service Agency, Grass-
3 roots Source Water Protection Program” shall be
4 \$4,630,000.

5 ~~SEC. 1233.~~ The amounts included under the heading
6 “Agricultural Programs, Farm Service Agency, Agricul-
7 tural Credit Insurance Fund Program Account” in Public
8 Law 111–80 shall be applied to funds appropriated by this
9 division as follows: by substituting “\$1,975,000,000” for
10 “\$2,150,000,000”; by substituting “\$475,000,000” for
11 “\$650,000,000”; by substituting “\$2,544,035,000” for
12 “\$2,670,000,000”; by substituting “\$900,000,000” for
13 “\$1,000,000,000”; by substituting “\$144,035,000” for
14 “\$170,000,000”; by substituting “\$0” for “\$3,940,000”;
15 by substituting “\$110,602,000” for “\$150,000,000”; by
16 substituting “\$0” for “\$75,000,000” the first and second
17 place it appears; by substituting “\$0” for “\$10,000,000”;
18 by substituting “\$38,570,000” for “\$32,070,000”; by
19 substituting “\$32,870,000” for “\$26,520,000”; by sub-
20 stituting “\$109,410,000” for “\$106,402,000”; by sub-
21 stituting “\$34,950,000” for “\$35,100,000”; by sub-
22 stituting “\$19,920,000” for “\$23,902,000”; by sub-
23 stituting “\$54,540,000” for “\$47,400,000”; by sub-
24 stituting “\$0” for “\$1,065,000”; by substituting “\$0” for
25 “\$278,000”; by substituting “\$0” for “\$793,000”; by

1 substituting “\$318,508,000” for “\$321,093,000”, and by
2 substituting “\$305,588,000” for “\$313,173,000”. Funds
3 appropriated by this division to such heading for farm
4 ownership, operating and conservation direct loans, and
5 guaranteed loans may be transferred among these pro-
6 grams: *Provided*, That the Secretary of Agriculture shall
7 notify the Committees on Appropriations of the House of
8 Representatives and the Senate at least 15 days in ad-
9 vance of any transfer.

10 SEC. 1234. Notwithstanding section 1101, the level
11 for “Agricultural Programs, Risk Management Agency”
12 shall be \$77,177,000.

13 SEC. 1235. Notwithstanding section 1101, the level
14 for “Conservation Programs, Natural Resources Con-
15 servation Service, Conservation Operations” shall be
16 \$836,000,000.

17 SEC. 1236. Notwithstanding section 1101, the level
18 for “Conservation Programs, Natural Resources Con-
19 servation Service, Watershed and Flood Prevention Oper-
20 ations” shall be \$0.

21 SEC. 1237. Notwithstanding section 1101, the level
22 for “Conservation Programs, Natural Resources Con-
23 servation Service, Watershed Rehabilitation Program”
24 shall be \$20,000,000.

1 SEC. 1238. Notwithstanding section 1101, the level
2 for “Conservation Programs, Natural Resources Con-
3 servation Service, Resource Conservation and Develop-
4 ment” shall be \$0.

5 SEC. 1239. Notwithstanding section 1101, the level
6 for “Rural Development Programs, Rural Development
7 Salaries and Expenses” shall be \$181,987,000.

8 SEC. 1240. The amounts included under the heading
9 “Rural Development Programs, Rural Housing Service,
10 Rural Housing Insurance Fund Program Account” in
11 Public Law 111–80 for gross obligations for the principal
12 amount of direct and guaranteed loans as authorized by
13 title V of the Housing Act of 1949 shall be applied to
14 funds appropriated by this division by substituting
15 “\$34,004,000” for “\$34,412,000” and by substituting,
16 “\$5,052,000” for “\$5,045,000”.

17 SEC. 1241. Notwithstanding section 1101, the level
18 for “Rural Development Programs, Rural Housing Serv-
19 ice, Rural Housing Insurance Fund Program Account” for
20 the cost of direct and guaranteed loans, including the cost
21 of modifying loans, authorized by section 502 of the Hous-
22 ing Act of 1949 shall be \$70,200,000: *Provided*, That the
23 amounts included for such costs under such heading in
24 Public Law 111–80 shall be applied to funds appropriated
25 by this division by substituting “\$70,200,000” for

1 “\$40,710,000” in the case of direct loans and by sub-
2 stituting “\$0” for “\$172,800,000” in the case of unsub-
3 sidized guaranteed loans.

4 SEC. 1242. Notwithstanding section 1101, the level
5 for “Rural Development Programs, Rural Housing Serv-
6 ice, Rural Housing Insurance Fund Program Account” for
7 the cost of housing repair loans authorized by section 504
8 of the Housing Act of 1949 shall be \$6,437,000.

9 SEC. 1243. Notwithstanding section 1101, the level
10 for “Rural Development Programs, Rural Housing Serv-
11 ice, Rural Housing Insurance Fund Program Account” for
12 the cost of repair, rehabilitation, and new construction of
13 rental housing authorized by section 515 of the Housing
14 Act of 1949 shall be \$23,446,000.

15 SEC. 1244. Notwithstanding section 1101, the level
16 for “Rural Development Programs, Rural Housing Serv-
17 ice, Rural Housing Insurance Fund Program Account” for
18 the cost of multi-family housing guaranteed loans author-
19 ized by section 538 of the Housing Act of 1949 shall be
20 \$12,513,000.

21 SEC. 1245. In addition to amounts otherwise appro-
22 priated or made available by this division, there is appro-
23 priated to the Secretary of Agriculture \$288,000 for sec-
24 tion 523 self-help housing land development loans author-
25 ized by section 523 of the Housing Act of 1949 and

1 \$294,000 for site development loans authorized by section
2 524 of such Act.

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

8 SEC. 1247. Notwithstanding section 1101, the level
9 for “Rural Development Programs, Rural Housing Serv-
10 ice, Rental Assistance Program” shall be \$955,635,000:
11 *Provided*, That the amounts included under such heading
12 in Public Law 111–80 shall be applied to funds appro-
13 priated by this division by substituting “\$0” for
14 “\$5,958,000”; by substituting “\$0” for “\$50,000”; and
15 by substituting “\$3,000,000” for “\$3,400,000”.

16 SEC. 1248. Notwithstanding section 1101, the level
17 for “Rural Development Programs, Rural Housing Serv-
18 ice, Multi-Family Housing Revitalization Program Ac-
19 count” shall be \$16,400,000: *Provided*, That only the
20 first, second, and fourth provisos under such heading in
21 Public Law 111–80, relating to rural housing vouchers to
22 low-income households, shall apply to funds appropriated
23 by this division and the third, fifth, and subsequent pro-
24 visos under such heading shall not apply to funds appro-
25 priated by this division.

1 SEC. 1249. Notwithstanding section 1101, the level
2 for “Rural Development Programs, Rural Housing Serv-
3 ice, Mutual and Self-Help Housing Grants” shall be
4 \$37,000,000.

5 SEC. 1250. Notwithstanding section 1101, the level
6 for “Rural Development Programs, Rural Housing Serv-
7 ice, Rural Housing Assistance Grants” shall be
8 \$40,400,000.

9 SEC. 1251. Notwithstanding section 1101, the level
10 for “Rural Development Programs, Rural Housing Serv-
11 ice, Rural Community Facilities Program Account” shall
12 be \$32,450,000. *Provided*, That the amounts included
13 under such heading in Public Law 111–80 shall be applied
14 to funds appropriated by this division as follows: by sub-
15 stituting, “\$0” for “\$6,256,000”; by substituting “\$0” for
16 “\$13,902,000”; and by substituting, “\$0” for
17 “\$3,972,000”.

18 SEC. 1252. Notwithstanding section 1101, the level
19 for “Rural Development Programs, Rural Business–Coop-
20 erative Service, Rural Business Program Account” shall
21 be \$84,505,000. *Provided*, That the amounts included
22 under such heading in Public Law 111–80 shall be applied
23 to funds appropriated by this division as follows: by sub-
24 stituting, “\$0” for “\$500,000”; and by substituting, “\$0”
25 for “\$250,000”.

1 SEC. 1253. Notwithstanding section 1101, the level
2 for “Rural Development Programs, Rural Business–Coop-
3 erative Service, Rural Development Loan Fund Program
4 Account” for the principal amount of direct loans as au-
5 thorized by Rural Development Loan Fund shall be
6 \$21,936,000.

7 SEC. 1254. Notwithstanding section 1101, in connec-
8 tion with the “Rural Development Programs, Rural Busi-
9 ness–Cooperative Service, Rural Economic Development
10 Loans Program Account”, of the funds derived from inter-
11 est on the cushion of credit payments, as authorized by
12 section 313 of the Rural Electrification Act of 1936,
13 \$207,000,000 shall not be obligated and \$207,000,000 is
14 rescinded.

15 SEC. 1255. Notwithstanding section 1101, the level
16 for “Rural Development Programs, Rural Business–Coop-
17 erative Service, Rural Cooperative Development Grants”
18 shall be \$30,254,000: *Provided*, That the amounts in-
19 cluded under such heading in Public Law 111–80 shall
20 be applied to funds appropriated by this division as fol-
21 lows: by substituting “\$0” for “\$300,000”; by sub-
22 stituting “\$0” for “\$2,800,000”; and by substituting
23 “\$18,867,000” for “\$20,367,000”.

24 SEC. 1256. Notwithstanding section 1101, the level
25 for “Rural Development Programs, Rural Business–Coop-

1 erative Service, Rural Microenterprise Investment Pro-
2 gram Account” shall be \$3,350,000.

3 SEC. 1257. Notwithstanding section 1101, the level
4 for “Rural Development Programs, Rural Business—Coop-
5 erative Service, Rural Energy for America Program” shall
6 be \$25,010,000.

7 SEC. 1258. Notwithstanding section 1101, the level
8 for “Rural Development Programs, Rural Utilities Serv-
9 ice, Rural Water and Waste Disposal Program Account”
10 shall be \$405,564,000: *Provided*, That the amounts in-
11 cluded under such heading in Public Law 111–80 shall
12 be applied to funds appropriated by this division as fol-
13 lows: by substituting, “\$60,000,000” for “\$70,00,000”;
14 by substituting “\$5,000,000” for “\$6,000,000”; and by
15 substituting, “\$0” for “\$17,500,000”.

16 SEC. 1259. Notwithstanding section 1101, the level
17 for “Rural Development Programs, Rural Utilities Serv-
18 ice, Rural Electrification and Telecommunications Loans
19 Program Account” for administrative expenses necessary
20 to carry out the direct and guaranteed loan programs shall
21 be \$38,374,000.

22 SEC. 1260. Notwithstanding section 1101, the level
23 for “Rural Development Programs, Rural Utilities Serv-
24 ice, Distance Learning, Telemedicine, and Broadband
25 Program” shall be \$30,000,000: *Provided*, That the

1 amounts included under such heading in Public Law 111-
2 80 shall be applied to funds appropriated by this division
3 as follows: by substituting, “\$0” for “\$4,500,000”; by
4 substituting, “\$0” for “\$28,960,000”; and by sub-
5 stituting, “\$13,406,000” for “\$17,976,000”.

6 SEC. 1261. The amounts included under the heading
7 “Domestic Food Programs, Food and Nutrition Service,
8 Child Nutrition Programs” in Public Law 111-80 shall
9 be applied to funds appropriated by this division by sub-
10 stituting “\$0” for “\$1,000,000” and by substituting “\$0”
11 for “\$5,000,000”.

12 SEC. 1262. 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 \$6,504,781,000.

16 SEC. 1263. Notwithstanding section 1101, the level
17 for “Domestic Food Programs, Food and Nutrition Serv-
18 ice, Commodity Assistance Program”, shall be
19 \$241,979,000, of which \$151,409,000 shall be for the
20 Commodity Supplemental Food Program: *Provided*, That
21 the amounts included under such heading in Public Law
22 111-80 shall be applied to funds appropriated by this divi-
23 sion by substituting “\$0” for “\$6,000,000”.

24 SEC. 1264. Notwithstanding section 1101, the level
25 for “Domestic Food Programs, Food and Nutrition Serv-

1 ice, Nutrition Programs Administration” shall be
2 \$144,801,000.

3 SEC. 1265. Notwithstanding section 1101, the level
4 for “Foreign Assistance and Related Programs, Foreign
5 Agricultural Service, Salaries and Expenses” shall be
6 \$165,436,000.

7 SEC. 1266. Notwithstanding section 1101, the level
8 for “Foreign Assistance and Related Programs, Foreign
9 Agricultural Service, Food for Peace Title II Grants” shall
10 be \$1,003,000,000.

11 SEC. 1267. Notwithstanding section 1101, the level
12 for “Foreign Assistance and Related Programs, Foreign
13 Agricultural Service, McGovern-Dole International Food
14 for Education and Child Nutrition Program Grants” shall
15 be \$100,000,000.

16 SEC. 1268. Notwithstanding section 1101, the level
17 for “Related Agencies and Food and Drug Administra-
18 tion, Food and Drug Administration, Salaries and Ex-
19 penses” shall be \$3,307,418,000: *Provided*, That of the
20 amount provided under this heading, \$667,057,000 shall
21 be derived from prescription drug user fees authorized by
22 section 736 of the Federal Food, Drug, and Cosmetic Act
23 (21 U.S.C. 379h), shall be credited to this account and
24 remain available until expended, and shall not include any
25 fees pursuant to paragraphs (2) and (3) of section 736(a)

1 of such Act (~~21 U.S.C. 379h(a)(2) and (a)(3)~~) assessed
2 for fiscal year 2012 but collected in fiscal year 2011;
3 \$61,860,000 shall be derived from medical device user fees
4 authorized by section 738 of such Act (~~21 U.S.C. 379j~~);
5 and shall be credited to this account and remain available
6 until expended; \$19,448,000 shall be derived from animal
7 drug user fees authorized by section 740 of such Act (~~21~~
8 ~~U.S.C. 379j-12~~), and shall be credited to this account and
9 remain available until expended; \$5,397,000 shall be de-
10 rived from animal generic drug user fees authorized by
11 section 741 of such Act (~~21 U.S.C. 379j-21~~), and shall
12 be credited to this account and shall remain available until
13 expended; and \$450,000,000 shall be derived from tobacco
14 product user fees authorized by section 919 of such Act
15 (~~21 U.S.C. 387s~~) and shall be credited to this account and
16 remain available until expended: *Provided further*, That in
17 addition and notwithstanding any other provision under
18 this heading, amounts collected for prescription drug user
19 fees that exceed the fiscal year 2011 limitation are appro-
20 priated and shall be credited to this account and remain
21 available until expended: *Provided further*, That fees de-
22 rived from prescription drug, medical device, animal drug,
23 animal generic drug, and tobacco product assessments for
24 fiscal year 2011 received during fiscal year 2011, includ-
25 ing any such fees assessed prior to fiscal year 2011 but

1 credited for fiscal year 2011, shall be subject to the fiscal
2 year 2011 limitations: *Provided further*, That none of
3 these funds shall be used to develop, establish, or operate
4 any program of user fees authorized by 31 U.S.C. 9701:
5 *Provided further*, That of the total amount appropriated
6 under this heading: (1) \$727,220,000 shall be for the Cen-
7 ter for Food Safety and Applied Nutrition and related
8 field activities in the Office of Regulatory Affairs; (2)
9 \$895,460,000 shall be for the Center for Drug Evaluation
10 and Research and related field activities in the Office of
11 Regulatory Affairs; (3) \$296,937,000 shall be for the Cen-
12 ter for Biologics Evaluation and Research and for related
13 field activities in the Office of Regulatory Affairs; (4)
14 \$145,103,000 shall be for the Center for Veterinary Medi-
15 cine and for related field activities in the Office of Regu-
16 latory Affairs; (5) \$318,768,000 shall be for the Center
17 for Devices and Radiological Health and for related field
18 activities in the Office of Regulatory Affairs; (6)
19 \$35,052,000 shall be for the National Center for Toxi-
20 cological Research; (7) \$421,463,000 shall be for the Cen-
21 ter for Tobacco Products and for related field activities
22 in the Office of Regulatory Affairs; (8) not to exceed
23 \$100,482,000 shall be for Rent and Related activities, of
24 which \$22,683,000 is for White Oak Consolidation, other
25 than the amounts paid to the General Services Adminis-

1 tration for rent; (9) not to exceed \$182,661,000 shall be
2 for payments to the General Services Administration for
3 rent; and (10) \$184,272,000 shall be for other activities,
4 including the Office of the Commissioner of Food and
5 Drugs; the Office of Foods; the Office of the Chief Sei-
6 entist; the Office of Policy, Planning and Budget; the Of-
7 fice of International Programs; the Office of Administra-
8 tion; and central services for these offices: *Provided fur-*
9 *ther,* That none of the funds made available under this
10 heading shall be used to transfer funds under section
11 770(n) of the Federal Food, Drug, and Cosmetic Act (21
12 U.S.C. 379dd): *Provided further,* That not to exceed
13 \$25,000 of the amount provided under this heading shall
14 be for official reception and representation expenses; not
15 otherwise provided for, as determined by the Commis-
16 sioner: *Provided further,* That funds may be transferred
17 from one specified activity to another with the prior ap-
18 proval of the Committees on Appropriations of both
19 Houses of Congress.

20 SEC. 1269. Notwithstanding section 1101, the level
21 for “Related Agencies and Food and Drug Administra-
22 tion, Independent Agencies, Commodity Futures Trading
23 Commission” shall be \$112,000,000, to remain available
24 until September 30, 2012: *Provided,* That the proviso

1 under such heading in Public Law 111–80 shall not apply
2 to funds appropriated by this division.

3 SEC. 1270. Notwithstanding any other provision of
4 this division, the following set-asides included in Public
5 Law 111–80 for “Congressionally Designated Projects” in
6 the following accounts for the corresponding amounts shall
7 not apply to funds appropriated by this division:

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

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

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

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

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

23 SEC. 1271. Notwithstanding any other provision of
24 this division, the following provisions included in Public

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

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

6 (2) The second proviso under the heading
7 “Conservation Programs, Natural Resources Con-
8 servation Service, Conservation Operations”.

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

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

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

20 SEC. 1272. Sections 718, 723, 727, 728, 738, 739,
21 and 741 of Public Law 111–80 shall be applied to funds
22 appropriated by this division by substituting \$0 for the
23 dollar amounts included in those sections.

1 SEC. 1273. Sections 715, 716, 721(2), 721(3), 724,
2 725, 726, 729, 730, 734, 735, 743, 745, and 748 of Public
3 Law 111-80 shall not apply for fiscal year 2011.

4 SEC. 1274. Sections 737, 740, 747, and 749 of Public
5 Law 111-80 authorized or required certain actions that
6 have been performed before the date of the enactment of
7 this division and need not reoccur.

8 SEC. 1275. Appropriations to the Department of Ag-
9 riculture made available in fiscal year 2005 to carry out
10 section 601 of the Rural Electrification Act of 1936 (7
11 U.S.C. 950bb) for the cost of direct loans shall remain
12 available until expended to disburse valid obligations made
13 in fiscal years 2005 and 2006.

14 SEC. 1276. In the case of each program established
15 or amended by the Food, Conservation, and Energy Act
16 of 2008 (Public Law 110-246), other than by title I or
17 subtitle A of title III of such Act, or programs for which
18 indefinite amounts were provided in that Act that is au-
19 thorized or required to be carried out using funds of the
20 Commodity Credit Corporation: (1) such funds shall be
21 available for salaries and related administrative expenses,
22 including technical assistance, associated with the imple-
23 mentation of the program, without regard to the limitation
24 on the total amount of allotments and fund transfers con-
25 tained in section 11 of the Commodity Credit Corporation

1 Charter Act (15 U.S.C. 714i); and (2) the use of such
2 funds for such purpose shall not be considered to be a
3 fund transfer or allotment for purposes of applying the
4 limitation on the total amount of allotments and fund
5 transfers contained in such section.

6 SEC. 1277. With respect to any loan or loan guar-
7 antee program administered by the Secretary of Agri-
8 culture that has a negative credit subsidy score for fiscal
9 year 2011, the program level for the loan or loan guar-
10 antee program, for the purposes of the Federal Credit Re-
11 form Act of 1990, shall be the program level established
12 pursuant to such Act for fiscal year 2010.

13 SEC. 1278. Section 721(1) of Public Law 111-80
14 (123 Stat. 2122) is amended by striking
15 “\$1,180,000,000” and inserting “\$1,238,000,000”.

16 SEC. 1279. Section 742 of Public Law 111-80 (123
17 Stat. 2128) is amended by striking “\$11,000,000” and
18 inserting “\$15,000,000”.

19 SEC. 1280. The following provisions of Public Law
20 111-80 shall be applied to funds appropriated by this divi-
21 sion by substituting “2010”, “2011”, and “2012” for
22 “2009”, “2010”, and “2011”, respectively, in each in-
23 stance that such terms appear:

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

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

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

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

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

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

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

23 (8) The third proviso under the heading “~~Rural~~
24 ~~Development Programs, Rural Business—Coopera-~~
25 ~~tive Service, Rural Business Program Account~~”.

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

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

9 (11) Sections 713, 717, 732, and 746.

10 ~~SEC. 1281.~~ None of the funds appropriated or other-
11 wise made available by this division or any other Act shall
12 be used to pay the salaries and expenses of personnel to
13 carry out the Wetlands Reserve Program authorized by
14 sections ~~1237–1237F~~ of the Food Security Act of 1985
15 (~~16 U.S.C. 3837–3837f~~) to enroll in excess of 202,218
16 acres in fiscal year 2011: *Provided*, That such program
17 shall be permanently reduced by 47,782 acres.

18 ~~SEC. 1282.~~ None of the funds appropriated or other-
19 wise made available by this division or any other Act shall
20 be used to pay the salaries and expenses of personnel to
21 carry out the Conservation Stewardship Program author-
22 ized by sections ~~1238D–1238G~~ of the Food Security Act
23 of 1985 (~~16 U.S.C. 3838d–3838g~~) in excess of
24 \$649,000,000.

1 SEC. 1283. None of the funds appropriated or other-
2 wise made available by this division or any other Act shall
3 be used to pay the salaries and expenses of personnel to
4 carry out the program authorized by section 14 of the Wa-
5 tershed Protection and Flood Prevention Act (16 U.S.C.
6 1012): *Provided*, That of the funds available under such
7 section for fiscal year 2011, \$165,000,000 is rescinded.

8 SEC. 1284. None of the funds appropriated or other-
9 wise made available by this division or any other Act shall
10 be used to pay the salaries and expenses of personnel to
11 transfer in fiscal year 2011 to the Administrator of the
12 Food and Nutrition Service under subsection (b) of section
13 14222 of the Food, Conservation, and Energy Act of 2008
14 (Public Law 110-246; 122 Stat. 2245) an amount in ex-
15 cess of \$1,098,000,000: *Provided*, That none of the funds
16 made available by this division or any other Act shall be
17 used to pay the salaries and expenses of personnel to carry
18 out section 19 of the Richard B. Russell National School
19 Lunch Act (42 U.S.C. 1769a) utilizing funds otherwise
20 required to be made available under subsection (i)(1)(D)
21 of such section 19 in excess of \$33,000,000, including the
22 transfer of funds under subsection (e) of such section
23 14222, until October 1, 2011: *Provided further*, That the
24 remaining \$117,000,000 of the amount specified in sub-
25 section (i)(1)(D) of such section 19 made available on Oc-

1 tober 1, 2011, to carry out such section 19 shall be ex-
2 cluded from the limitation described in subsection
3 (b)(2)(A)(iv) of such section 14222 for fiscal year 2012.

4 SEC. 1285. None of the funds appropriated or made
5 available by this division or any other Act shall be used
6 to pay the salaries and expenses of personnel to carry out
7 the Biomass Crop Assistance Program authorized by sec-
8 tion 9011 of the Farm Security and Rural Investment Act
9 of 2002 (7 U.S.C. 8111) in excess of \$112,000,000.

10 SEC. 1286. Of the unobligated balances available for
11 “Agricultural Programs, Agricultural Research Service,
12 Buildings and Facilities” \$223,700,000 is rescinded.

13 SEC. 1287. Of the unobligated balances available for
14 the cost of broadband loans, as authorized by section 601
15 of the Rural Electrification Act of 1936, \$15,000,000 is
16 rescinded.

17 SEC. 1288. (a) Notwithstanding this Act or any other
18 Act, of the unobligated balances available to the Depart-
19 ment of Agriculture from prior appropriations,
20 \$585,000,000 in appropriated discretionary funds are
21 hereby rescinded.

22 (b) The Secretary of Agriculture shall determine and
23 identify from which appropriation accounts the rescission
24 under subsection (a) shall apply and the amount of such
25 rescission that shall apply to each such account. Not later

1 than 30 days after the date of the enactment of this Act,
2 the Secretary of Agriculture shall submit a report to the
3 Committees on Appropriations of both Houses of Congress
4 and the Secretary of the Treasury of the accounts and
5 amounts determined and identified for rescission under
6 the preceding sentence: *Provided*, That no amounts may
7 be rescinded from amounts that were designated by the
8 Congress as an emergency requirement pursuant to the
9 Concurrent Resolution on the Budget or the Balanced
10 Budget and Emergency Deficit Control Act of 1985, as
11 amended.

12 TITLE III—COMMERCE, JUSTICE, SCIENCE, AND
13 RELATED AGENCIES

14 SEC. 1301. Notwithstanding section 1101, the level
15 for “Department of Commerce, International Trade Ad-
16 ministration, Operations and Administration” shall be
17 \$450,989,000.

18 SEC. 1302. Notwithstanding section 1101, the level
19 for “Department of Commerce, Economic Development
20 Administration, Economic Development Assistance Pro-
21 grams” shall be \$175,000,000 (increased by
22 \$80,000,000).

23 SEC. 1303. Notwithstanding section 1101, the level
24 for “Department of Commerce, Minority Business Devel-

1 opment Agency, Minority Business Development” shall be
2 \$30,400,000.

3 SEC. 1304. Notwithstanding section 1101, the level
4 for “Department of Commerce, National Telecommuni-
5 cations and Information Administration, Salaries and Ex-
6 penses” shall be \$40,649,000.

7 SEC. 1305. Notwithstanding section 1101, the level
8 for “Department of Commerce, National Institute of
9 Standards and Technology, Scientific and Technical Re-
10 search and Services” shall be \$469,500,000.

11 SEC. 1306. Notwithstanding section 1101, the level
12 for “Department of Commerce, National Institute of
13 Standards and Technology, Industrial Technology Serv-
14 ices” shall be \$169,600,000.

15 SEC. 1307. Notwithstanding section 1101, the level
16 for “Department of Commerce, National Oceanic and At-
17 mospheric Administration, Pacific Coastal Salmon Recov-
18 ery” shall be \$50,000,000.

19 SEC. 1308. Notwithstanding section 1101, the level
20 for “Department of Justice, General Administration, Na-
21 tional Drug Intelligence Center” shall be \$34,023,000 (re-
22 duced by \$34,023,000).

23 SEC. 1309. Notwithstanding section 1101, the level
24 for “Department of Justice, General Administration, Jus-

1 tie Information Sharing Technology” shall be
2 \$78,285,000.

3 SEC. 1310. Notwithstanding section 1101, the level
4 for “Department of Justice, General Administration, Tac-
5 tical Law Enforcement Wireless Communications” shall
6 be \$136,143,000.

7 SEC. 1311. Notwithstanding section 1101, the level
8 for “Department of Justice, General Administration, De-
9 tention Trustee” shall be \$1,533,663,000.

10 SEC. 1312. Notwithstanding section 1101, the level
11 for “Department of Justice, Legal Activities, Salaries and
12 Expenses, General Legal Activities” shall be
13 \$865,097,000.

14 SEC. 1313. Notwithstanding section 1101, the level
15 for “Department of Justice, United States Marshals Serv-
16 ice, Construction” shall be \$16,929,000.

17 SEC. 1314. Notwithstanding section 1101, the level
18 for “Department of Justice, Federal Bureau of Investiga-
19 tion, Construction” shall be \$106,915,000.

20 SEC. 1315. Notwithstanding section 1101, the level
21 for “Department of Justice, Federal Prison System, Sala-
22 ries and Expenses” shall be \$6,325,231,000.

23 SEC. 1316. Notwithstanding section 1101, the level
24 for “Office of Science and Technology Policy” shall be
25 \$6,500,000.

1 SEC. 1317. Notwithstanding section 1101, the level
2 for “National Science Foundation, Research and Related
3 Activities” shall be \$5,467,920,000.

4 SEC. 1318. Notwithstanding section 1101, the level
5 for “National Science Foundation, Major Research Equip-
6 ment and Facilities Construction” shall be \$54,790,000.

7 SEC. 1319. Notwithstanding section 1101, the level
8 for “National Science Foundation, Education and Human
9 Resources” shall be \$725,760,000.

10 SEC. 1320. Notwithstanding section 1101, the level
11 for “Department of Commerce, Bureau of the Census,
12 Periodic Censuses and Programs” shall be \$913,707,000
13 (reduced by \$80,000,000).

14 SEC. 1321. Notwithstanding section 1101, the level
15 for each of the following accounts shall be \$0: “Depart-
16 ment of Commerce, National Telecommunications and In-
17 formation Administration, Public Telecommunications Fa-
18 cilities, Planning and Construction”; “Department of Jus-
19 tice, Bureau of Alcohol, Tobacco, Firearms, and Explo-
20 sives, Construction”; and “Department of Justice, Office
21 of Justice Programs, Weed and Seed Program Fund”.

22 SEC. 1322. Notwithstanding any other provision of
23 this division, the following set-asides included in division
24 B of Public Law 111–117 for projects specified in the ex-
25 planatory statement accompanying that Act in the fol-

1 lowing accounts for the corresponding amounts shall not
2 apply to funds appropriated by this division: (1) “Depart-
3 ment of Commerce, International Trade Administration,
4 Operations and Administration”, \$5,215,000; (2) “De-
5 partment of Commerce, Minority Business Development
6 Agency, Minority Business Development”, \$1,100,000;
7 and (3) “Department of Commerce, National Institute of
8 Standards and Technology, Scientific and Technical Re-
9 search and Services”, \$10,500,000.

10 SEC. 1323. The Departments of Commerce and Jus-
11 tice, the National Aeronautics and Space Administration,
12 and the National Science Foundation are directed to sub-
13 mit spending plans, signed by the respective department
14 or agency head, to the House and Senate Committees on
15 Appropriations within 60 days of enactment of this divi-
16 sion.

17 SEC. 1324. Notwithstanding any other provision of
18 this division, the set-aside included in division B of Public
19 Law 111–117 under the heading “Department of Com-
20 merce, United States Patent and Trademark Office, Sala-
21 ries and Expenses” for policy studies related to activities
22 of United Nations Specialized Agencies related to inter-
23 national protection of intellectual property rights shall not
24 apply to funds appropriated by this division.

1 SEC. 1325. Of the amount provided by section 1306
2 for “National Institute of Standards and Technology, In-
3 dustrial Technology Services”, \$44,900,000 shall be for
4 the Technology Innovation Program.

5 SEC. 1326. (a) Notwithstanding section 1101, the
6 level for “Department of Commerce, National Institute of
7 Standards and Technology, Construction of Research Fa-
8 cilities” shall be \$58,000,000.

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

17 SEC. 1327. (a) Notwithstanding section 1101, the
18 level for “Department of Commerce, National Oceanic and
19 Atmospheric Administration, Operations, Research, and
20 Facilities” shall be \$2,850,883,000.

21 (b) The set-aside included in division B of Public Law
22 111–117 under the heading “Department of Commerce,
23 National Oceanic and Atmospheric Administration, Oper-
24 ations, Research, and Facilities” for projects specified in

1 the explanatory statement accompanying that Act shall
2 not apply to funds appropriated by this division.

3 SEC. 1328. (a) Notwithstanding section 1101, the
4 level for “Department of Commerce, National Oceanic and
5 Atmospheric Administration, Procurement, Acquisition
6 and Construction” shall be \$1,455,353,000.

7 (b) The set-aside included in division B of Public Law
8 111–117 under the heading “Department of Commerce,
9 National Oceanic and Atmospheric Administration, Pro-
10 curement, Acquisition and Construction” for projects
11 specified in the explanatory statement accompanying that
12 Act shall not apply to funds appropriated by this division.

13 SEC. 1329. (a) Notwithstanding section 1101, the
14 level for “Department of Justice, Office of Justice Pro-
15 grams, Justice Assistance” shall be \$225,000,000.

16 (b) Amounts included in paragraphs (1) through (5)
17 under the heading “Department of Justice, Office of Jus-
18 tice Programs, Justice Assistance” of division B of Public
19 Law 111–117 shall be deemed to represent the maximum
20 amount of funding available under the respective para-
21 graph.

22 SEC. 1330. (a) Notwithstanding section 1101, the
23 level for “Department of Justice, Office of Justice Pro-
24 grams, State and Local Law Enforcement Assistance”

1 shall be ~~\$953,500,000~~ (reduced by ~~\$20,000,000~~) (in-
2 creased by ~~\$20,000,000~~).

3 (b) The amount included in paragraph (4) under the
4 heading “Department of Justice, Office of Justice Pro-
5 grams, State and Local Law Enforcement Assistance” of
6 division B of Public Law 111–117 shall be applied to
7 funds appropriated by this division by substituting “\$0”
8 for “\$185,268,000”.

9 (c) Amounts included in paragraphs (1) through (3)
10 and paragraphs (5) through (29) under the heading “De-
11 partment of Justice, Office of Justice Programs, State
12 and Local Law Enforcement Assistance” of division B of
13 Public Law 111–117 shall be deemed to represent the
14 maximum amount of funding available under the respec-
15 tive paragraph.

16 SEC. 1331. (a) Notwithstanding section 1101, the
17 level for “Department of Justice, Office of Justice Pro-
18 grams, Juvenile Justice Programs” shall be
19 ~~\$232,500,000~~.

20 (b) The amount included in paragraph (2) under the
21 heading “Department of Justice, Office of Justice Pro-
22 grams, Juvenile Justice Programs” of division B of Public
23 Law 111–117 shall be applied to funds appropriated by
24 this division by substituting “\$0” for “\$91,095,000”.

1 (e) Amounts included in paragraph (1) and para-
 2 graphs (3) through (8) under the heading “Department
 3 of Justice, Office of Justice Programs, Juvenile Justice
 4 Programs” of division B of Public Law 111–117 shall be
 5 deemed to represent the maximum amount of funding
 6 available under the respective paragraph.

7 SEC. 1332. (a) Notwithstanding section 1101, the
 8 level for “Department of Justice, Community Oriented
 9 Policing Services (Including Transfers of Funds)” shall be
 10 \$290,500,000 (increased by \$298,000,000).

11 (b) Amounts included under the heading “Depart-
 12 ment of Justice, Community Oriented Policing Services
 13 (Including Transfers of Funds)” in division B of Public
 14 Law 111–117 shall be applied to funds appropriated by
 15 this division by substituting—

- 16 (1) “\$15,000,000” for “40,385,000”;
- 17 (2) “\$0” for “\$25,385,000”;
- 18 (3) “\$1,500,000” for “\$170,223,000”;
- 19 (4) “\$0” for “\$168,723,000”; and
- 20 (5) “\$0 (increased by \$298,000,000)” for
 21 “\$298,000,000”.

22 (c) Amounts included in paragraph (1) and para-
 23 graphs (4) through (8) under the heading “Department
 24 of Justice, Community Oriented Policing Services (Includ-
 25 ing Transfers of Funds)” of division B of Public Law

1 ~~111–117~~ shall be deemed to represent the maximum
2 amount of funding available under the respective para-
3 graph.

4 ~~SEC. 1333.~~ (a) The percentage limitations on trans-
5 fers between appropriations of the Department of Justice
6 described in section 205 of division B of Public Law ~~111–~~
7 ~~117~~ shall not apply to funds provided by this division to
8 the Department of Justice, or provided under previous ap-
9 propriations Acts to the Department of Justice that re-
10 main available for obligation or expenditure in fiscal year
11 2011, or provided from any accounts in the Treasury of
12 the United States derived by the collection of fees available
13 to the Department of Justice.

14 (b) The transfer authority provided in subsection (a)
15 shall pertain only to transfers into the following accounts:
16 “Department of Justice, Salaries and Expenses, United
17 States Attorneys”; “Department of Justice, United States
18 Marshals Service, Salaries and Expenses”; “Department
19 of Justice, Federal Bureau of Investigation, Salaries and
20 Expenses”; “Department of Justice, Drug Enforcement
21 Administration, Salaries and Expenses”; “Department of
22 Justice, Bureau of Alcohol, Tobacco, Firearms and Explo-
23 sives, Salaries and Expenses”; and “Department of Jus-
24 tice, Federal Prison System, Salaries and Expenses”.

1 (c) Any transfer pursuant to this section shall be
2 treated as a reprogramming of funds under section 505
3 of division B of Public Law 111–117 and shall not be
4 available for obligation except in compliance with the pro-
5 cedures set forth in that section as amended by this divi-
6 sion.

7 SEC. 1334. Notwithstanding section 1105, the pro-
8 viso limiting the use of funds under the heading “National
9 Aeronautics and Space Administration, Exploration” in
10 division B of Public Law 111–117 shall not apply to funds
11 appropriated by this division.

12 SEC. 1335. (a) Notwithstanding section 1101, the
13 level for “National Aeronautics and Space Administration,
14 Space Operations” shall be \$5,946,800,000.

15 (b) The proviso specifying amounts under the head-
16 ing “National Aeronautics and Space Administration,
17 Space Operations” in division B of Public Law 111–117
18 for operations, production, research, development, and
19 support of the Space Shuttle and the International Space
20 Station and for Space and Flight Support shall not apply
21 to funds appropriated by this division.

22 SEC. 1336. (a) Notwithstanding section 1101, the
23 level for “National Aeronautics and Space Administration,
24 Cross Agency Support” shall be \$3,131,000,000 (reduced
25 by \$298,000,000).

1 (b) The set-asides under the heading “National Aero-
2 nautics and Space Administration, Cross Agency Support”
3 in division B of Public Law 111–117 for center manage-
4 ment and operations, independent verification and valida-
5 tion activities and projects specified in the explanatory
6 statement accompanying that Act shall not apply to funds
7 appropriated by this division.

8 SEC. 1337. (a) Notwithstanding section 1101, the
9 level for “National Aeronautics and Space Administration,
10 Construction and Environmental Compliance and Remedi-
11 ation” shall be \$408,300,000.

12 (b) The set-asides under the heading “National Aero-
13 nautics and Space Administration, Construction and Envi-
14 ronmental Compliance and Remediation” in division B of
15 Public Law 111–117 for science research and development
16 activities, exploration research and development activities,
17 space operations research and development activities, and
18 cross agency support activities shall not apply to funds
19 appropriated by this division.

20 SEC. 1338. (a) Transfer limitations for the National
21 Aeronautics and Space Administration described in the
22 Administrative Provisions of division B of Public Law
23 111–117 shall not apply to funds available under the fol-
24 lowing headings: (1) “National Aeronautics and Space Ad-
25 ministration, Aeronautics”; (2) “National Aeronautics and

1 Space Administration, Space Operations”; and (3) “National Aeronautics and Space Administration, Education”.

3 (b) Any transfer pursuant to this section shall be
4 treated as a reprogramming of funds under section 505
5 of division B of Public Law 111–117 and shall not be
6 available for obligation except in compliance with the pro-
7 cedures set forth in that section as amended by this divi-
8 sion.

9 SEC. 1339. (a) None of the funds made available by
10 this division may be used for the National Aeronautics and
11 Space Administration or the Office of Science and Tech-
12 nology Policy to develop, design, plan, promulgate, imple-
13 ment, or execute a policy, program, order, or contract of
14 any kind to participate, collaborate, or coordinate in any
15 way with China or any Chinese-owned company unless
16 such activities are specifically authorized by a law enacted
17 after the date of enactment of this division.

18 (b) The limitation in subsection (a) shall also apply
19 to any funds used to effectuate the hosting of official Chi-
20 nese visitors at facilities belonging to or utilized by the
21 National Aeronautics and Space Administration.

22 SEC. 1340. Notwithstanding section 1101, amounts
23 are provided for “Legal Services Corporation, Payment to
24 the Legal Services Corporation” in division B of Public
25 Law 111–117 in the manner authorized in Public Law

1 ~~111–117~~ for fiscal year 2010, except that for fiscal year
2 2011 the amounts specified in division B of Public Law
3 ~~111–117~~ shall be modified by substituting—

- 4 (1) “\$350,000,000” for “\$420,000,000”; and
5 (2) “\$324,400,000” for “\$394,400,000”.

6 ~~SEC. 1341.~~ Section 505(a)(1) of division B of Public
7 Law ~~111–117~~ is amended by inserting “, unless the House
8 and Senate Committees on Appropriations are notified 15
9 days in advance of such reprogramming of funds” before
10 the semicolon.

11 ~~SEC. 1342.~~ Of the funds made available for “Depart-
12 ment of Commerce, Bureau of the Census, Periodic Cen-
13 suses and Programs” in division B of Public Law ~~111–~~
14 ~~117~~, \$1,740,000,000 is rescinded.

15 ~~SEC. 1343.~~ Of the unobligated balances available for
16 “Emergency Steel, Oil, and Gas Guaranteed Loan Pro-
17 gram Account”, \$48,000,000 is rescinded.

18 ~~SEC. 1344.~~ Of the unobligated balances available to
19 the Department of Justice from prior appropriations, the
20 following funds are rescinded, not later than September
21 30, 2011, from the following accounts in the specified
22 amounts: (1) “Office of Justice Programs”, \$42,000,000;
23 and (2) “Community Oriented Policing Services”,
24 \$10,000,000.

1 TITLE IV—ENERGY AND WATER

2 DEVELOPMENT AND RELATED AGENCIES

3 SEC. 1401. All of the provisos under the heading
4 “Corps of Engineers—Civil, Department of the Army,
5 Construction” in the Energy and Water Development and
6 Related Agencies Appropriations Act, 2010 (Public Law
7 111–85) shall not apply to funds appropriated by this divi-
8 sion.

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

15 SEC. 1403. The fifth proviso (regarding the San Ga-
16 briel Basin Restoration Fund), seventh proviso (regarding
17 the Milk River Project) and eighth proviso (regarding the
18 Departmental Irrigation Drainage program) under the
19 heading “Department of the Interior, Bureau of Reclama-
20 tion, Water and Related Resources” in the Energy and
21 Water Development and Related Agencies Appropriations
22 Act, 2010 (Public Law 111–85) shall not apply to funds
23 appropriated by this division.

24 SEC. 1404. All of the provisos under the heading
25 “Department of Energy, Energy Programs, Energy Effi-

1 efficiency and Renewable Energy” in title III of the Energy
2 and Water Development and Related Agencies Appropria-
3 tions Act, 2010 (Public Law 111–85) shall not apply to
4 funds appropriated by this division.

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

11 SEC. 1406. The proviso under the heading “Depart-
12 ment of Energy, Energy Programs, Nuclear Energy” in
13 title III of the Energy and Water Development and Re-
14 lated Agencies Appropriations Act, 2010 (Public Law
15 111–85) shall not apply to funds appropriated by this divi-
16 sion.

17 SEC. 1407. The second proviso under the heading
18 “Department of Energy, Energy Programs, Fossil Energy
19 Research and Development” in title III of the Energy and
20 Water Development and Related Agencies Appropriations
21 Act, 2010 (Public Law 111–85) shall not apply to funds
22 appropriated by this division.

23 SEC. 1408. All of the provisos under the heading
24 “Department of Energy, Energy Programs, Science” in
25 title III of the Energy and Water Development and Re-

1 lated Agencies Appropriations Act, 2010 (Public Law
2 111–85) shall not apply to funds appropriated by this divi-
3 sion.

4 SEC. 1409. The thirteenth proviso (regarding Com-
5 mission funding) under the heading “Department of En-
6 ergy, Energy Programs, Nuclear Waste Disposal” in title
7 III of the Energy and Water Development and Related
8 Agencies Appropriations Act, 2010 (Public Law 111–85)
9 shall not apply to funds appropriated by this division.

10 SEC. 1410. All of the provisos under the heading
11 “Department of Energy, Atomic Energy Defense Activi-
12 ties, National Nuclear Security Administration, Weapons
13 Activities” in title III of the Energy and Water Develop-
14 ment and Related Agencies Appropriations Act, 2010
15 (Public Law 111–85) shall not apply to funds appro-
16 priated by this division.

17 SEC. 1411. The proviso under the heading “Depart-
18 ment of Energy, Atomic Energy Defense Activities, Na-
19 tional Nuclear Security Administration, Defense Nuclear
20 Nonproliferation” in title III of the Energy and Water De-
21 velopment and Related Agencies Appropriations Act, 2010
22 (Public Law 111–85) shall not apply to funds appro-
23 priated by this division.

24 SEC. 1412. All of the provisos under the heading
25 “Department of Energy, Atomic Energy Defense Activi-

1 ties, National Nuclear Security Administration, Office of
2 the Administrator²² in title III of the Energy and Water
3 Development and Related Agencies Appropriations Act,
4 2010 (Public Law 111–85) shall not apply to funds appro-
5 priated by this division.

6 SEC. 1413. The proviso under the heading “Depart-
7 ment of Energy, Atomic Energy Defense Activities, Envi-
8 ronmental and Other Defense Activities, Defense Environ-
9 mental Cleanup²² in title III of the Energy and Water De-
10 velopment and Related Agencies Appropriations Act, 2010
11 (Public Law 111–85) shall not apply to funds appro-
12 priated by this division.

13 SEC. 1414. The proviso under the heading “Depart-
14 ment of Energy, Atomic Energy Defense Activities, Envi-
15 ronmental and Other Defense Activities, Other Defense
16 Activities²² in title III of the Energy and Water Develop-
17 ment and Related Agencies Appropriations Act, 2010
18 (Public Law 111–85) shall not apply to funds appro-
19 priated by this division.

20 SEC. 1415. The fifth proviso under the heading “De-
21 partment of Energy, Power Marketing Administrations,
22 Construction, Rehabilitation, Operation and Maintenance,
23 Western Area Power Administration²² in title III of the
24 Energy and Water Development and Related Agencies Ap-

1 appropriations Act, 2010 (Public Law 111–85) shall not
2 apply to funds appropriated by this division.

3 SEC. 1416. Sections 105, 106, 107, 110 through 125,
4 205 through 211, 502, and 506 of the Energy and Water
5 Development and Related Agencies Appropriations Act,
6 2010 (Public Law 111–85) shall not apply to funds appro-
7 priated by this division.

8 SEC. 1417. In addition to amounts otherwise made
9 available by this division, \$50,000,000 is appropriated for
10 “Department of Energy, Energy Programs, Advanced Re-
11 search Projects Agency—Energy”.

12 SEC. 1418. Notwithstanding section 1105, no appro-
13 priation, funds, or authority made available pursuant to
14 section 1101 for the Department of Energy or Corps of
15 Engineers, Civil, shall be used to initiate or resume any
16 program, project, or activity or to initiate Requests For
17 Proposals or similar arrangements (including Requests for
18 Quotations, Requests for Information, and Funding Op-
19 portunity Announcements) for a program, project, or ac-
20 tivity if the program, project, or activity has not been
21 funded by Congress, unless prior approval is received from
22 the Committees on Appropriations of the House of Rep-
23 resentatives and the Senate.

24 SEC. 1419. No funds made available by this division
25 or any other Act may be used by the Nuclear Regulatory

1 Commission to conduct closure of adjudicatory functions,
2 technical review, or support activities associated with the
3 Yucca Mountain geologic repository license application
4 until the Commission reverses ASLB decision LBP-10-
5 11.

6 SEC. 1420. Notwithstanding section 1101, the level
7 for “Independent Agencies, Appalachian Regional Com-
8 mission” shall be \$68,400,000.

9 SEC. 1421. Notwithstanding section 1101, the level
10 for “Independent Agencies, Delta Regional Authority”
11 shall be \$11,700,000.

12 SEC. 1422. Notwithstanding section 1101, the level
13 for “Independent Agencies, Denali Commission” shall be
14 \$10,800,000.

15 SEC. 1423. Notwithstanding section 1101, the level
16 for “Independent Agencies, Northern Border Regional
17 Commission” shall be \$0.

18 SEC. 1424. Notwithstanding section 1101, the level
19 for “Independent Agencies, Southeast Crescent Regional
20 Commission” shall be \$0.

21 SEC. 1425. The total principal amount for commit-
22 ments to guarantee loans for eligible projects (other than
23 nuclear power facilities and front-end nuclear facilities)
24 under the heading “Department of Energy, Title 17 Inno-
25 vative Technology Loan Guarantee Authority Loan Pro-

1 gram”, in title III of division C of Public Law 111–8, is
2 hereby reduced by \$25,000,000,000.

3 SEC. 1426. Of the unobligated balances of funds
4 transferred to “Department of the Interior, Bureau of
5 Reclamation, Water and Related Resources” for desert
6 terminal lakes under section 2507 of the Farm Security
7 and Rural Investment Act of 2002 (43 U.S.C. 2211 note),
8 \$115,000,000 is rescinded.

9 SEC. 1427. Of the unobligated balances available for
10 “Corps of Engineers—Civil, Department of the Army,
11 Mississippi River and Tributaries”, \$21,000,000 is re-
12 scinded, to be derived by cancelling unobligated balances
13 for the Yazoo Basin, Backwater Pump, Mississippi
14 project.

15 SEC. 1428. Notwithstanding section 1101, the level
16 for “Corps of Engineers—Civil, Department of the Army,
17 Investigations” shall be \$104,000,000.

18 SEC. 1429. Notwithstanding section 1101, the level
19 for “Corps of Engineers—Civil, Department of the Army,
20 Construction” shall be \$1,690,000,000.

21 SEC. 1430. Notwithstanding section 1101, the level
22 for “Corps of Engineers—Civil, Department of the Army,
23 Mississippi River and Tributaries” shall be \$239,600,000.

1 SEC. 1431. Notwithstanding section 1101, the level
2 for “Corps of Engineers—Civil, Department of the Army,
3 Operation and Maintenance” shall be \$2,361,000,000.

4 SEC. 1432. Notwithstanding section 1101, the level
5 for “Corps of Engineers—Civil, Department of the Army,
6 Formerly Utilized Sites Remedial Action Program” shall
7 be \$130,000,000.

8 SEC. 1433. Notwithstanding section 1101, the level
9 for “Department of the Interior, Bureau of Reclamation,
10 Water and Related Resources” shall be \$913,500,000 (re-
11 duced by \$1,897,000).

12 SEC. 1434. Notwithstanding section 1101, the level
13 for “Department of Energy, Energy Programs, Energy
14 Efficiency and Renewable Energy” shall be
15 \$1,467,400,000: *Provided*, That none of the funds made
16 available by this division may be used for the Weatheriza-
17 tion Assistance Program authorized under part A of title
18 IV of the Energy Conservation and Production Act (42
19 U.S.C. 6861 et seq.) or the State Energy Program author-
20 ized under part D of title III of the Energy Policy and
21 Conservation Act (42 U.S.C. 6321 et seq.).

22 SEC. 1435. Notwithstanding section 1101, the level
23 for “Department of Energy, Energy Programs, Electricity
24 Delivery and Energy Reliability” shall be \$139,000,000.

1 SEC. 1436. Notwithstanding section 1101, the level
2 for “Department of Energy, Energy Programs, Nuclear
3 Energy” shall be \$661,100,000.

4 SEC. 1437. Notwithstanding section 1101, the level
5 for “Department of Energy, Energy Programs, Fossil En-
6 ergy Research and Development” shall be \$586,600,000.

7 SEC. 1438. Notwithstanding section 1101, the level
8 for “Department of Energy, Energy Programs, Strategic
9 Petroleum Reserve” shall be \$138,900,000.

10 SEC. 1439. Notwithstanding section 1101, the level
11 for “Department of Energy, Energy Programs, Energy
12 Information Administration” shall be \$95,600,000.

13 SEC. 1440. Notwithstanding section 1101, the level
14 for “Department of Energy, Energy Programs, Non-De-
15 fense Environmental Cleanup” shall be \$225,200,000.

16 SEC. 1441. Notwithstanding section 1101, the level
17 for “Department of Energy, Energy Programs, Uranium
18 Enrichment Decontamination and Decommissioning
19 Fund” shall be \$513,900,000.

20 SEC. 1442. Notwithstanding section 1101, the level
21 for “Department of Energy, Energy Programs, Science”
22 shall be \$4,017,700,000: *Provided*, That of the amount
23 provided by this division for “Department of Energy, En-
24 ergy Programs, Science”, not more than \$302,000,000
25 shall be for biological and environmental research author-

1 ized under subtitle G of title IX of the Energy Policy Act
2 of 2005 (42 U.S.C. 16311 et seq.).

3 SEC. 1443. Notwithstanding section 1101, the level
4 for “Department of Energy, Energy Programs, Depart-
5 mental Administration” shall be \$148,900,000.

6 SEC. 1444. Notwithstanding section 1101, the level
7 for “Department of Energy, Energy Programs, Advanced
8 Technology Vehicles Manufacturing Loan Program” shall
9 be \$9,998,000.

10 SEC. 1445. Notwithstanding section 1101, the level
11 for “Department of Energy, Atomic Energy Defense Ae-
12 tivities, National Nuclear Security Administration, Weap-
13 ons Activities” shall be \$6,696,400,000.

14 SEC. 1446. Notwithstanding section 1101, the level
15 for “Department of Energy, Atomic Energy Defense Ae-
16 tivities, National Nuclear Security Administration, De-
17 fense Nuclear Nonproliferation” shall be \$2,085,200,000.

18 SEC. 1447. Notwithstanding section 1101, the level
19 for “Department of Energy, Atomic Energy Defense Ae-
20 tivities, National Nuclear Security Administration, Naval
21 Reactors” shall be \$967,100,000.

22 SEC. 1448. Notwithstanding section 1101, the level
23 for “Department of Energy, Atomic Energy Defense Ae-
24 tivities, National Nuclear Security Administration, Office
25 of the Administrator” shall be \$407,800,000.

1 ~~SEC. 1449. Notwithstanding section 1101, the level~~
2 ~~for “Department of Energy, Environmental and Other~~
3 ~~Defense Activities, Defense Environmental Cleanup” shall~~
4 ~~be \$5,016,041,000, of which \$33,700,000 shall be trans-~~
5 ~~ferred to the “Uranium Enrichment Decontamination and~~
6 ~~Decommissioning Fund”.~~

7 ~~SEC. 1450. Notwithstanding section 1101, the level~~
8 ~~for “Department of Energy, Environmental and Other~~
9 ~~Defense Activities, Other Defense Activities” shall be~~
10 ~~\$773,400,000.~~

11 ~~SEC. 1451. Of the unobligated balances from prior~~
12 ~~year appropriations available for “Corps of Engineers—~~
13 ~~Civil, Department of the Army, Construction”,~~
14 ~~\$100,000,000 is rescinded.~~

15 ~~SEC. 1452. Of the unobligated balances from prior~~
16 ~~year appropriations available for “Department of Energy,~~
17 ~~Energy Programs, Energy Efficiency and Renewable En-~~
18 ~~ergy”, \$11,200,000 is rescinded.~~

19 ~~SEC. 1453. Of the unobligated balances from prior~~
20 ~~year appropriations available for “Department of Energy,~~
21 ~~Energy Programs, Electricity Delivery and Energy Reli-~~
22 ~~ability”, \$2,400,000 is rescinded.~~

23 ~~SEC. 1454. Of the unobligated balances from prior~~
24 ~~year appropriations available for “Department of Energy,~~

1 Energy Programs, Nuclear Energy”, \$6,300,000 is re-
2 scinded.

3 SEC. 1455. Of the unobligated balances from prior
4 year appropriations available for “Department of Energy,
5 Energy Programs, Fossil Energy Research and Develop-
6 ment”, \$30,600,000 is rescinded.

7 SEC. 1456. Of the unobligated balances from prior
8 year appropriations available for “Department of Energy,
9 Energy Programs, Naval Petroleum and Oil Shale Re-
10 serves”, \$2,100,000 is rescinded.

11 SEC. 1457. Of the unobligated balances from prior
12 year appropriations available for “Department of Energy,
13 Energy Programs, Clean Coal Technology”, \$18,000,000
14 is rescinded.

15 SEC. 1458. Of the unobligated balances from prior
16 year appropriations available for “Department of Energy,
17 Energy Programs, Strategic Petroleum Reserve”,
18 \$15,300,000 is rescinded.

19 SEC. 1459. Of the unobligated balances from prior
20 year appropriations available for “Department of Energy,
21 Energy Programs, Energy Information Administration”,
22 \$400,000 is rescinded.

23 SEC. 1460. Of the unobligated balances from prior
24 year appropriations available for “Department of Energy,

1 Energy Programs, Non-Defense Environmental Cleanup”,
2 \$900,000 is rescinded.

3 SEC. 1461. Of the unobligated balances from prior
4 year appropriations available for “Department of Energy,
5 Energy Programs, Uranium Enrichment Decontamination
6 and Decommissioning Fund”, \$10,000,000 is rescinded.

7 SEC. 1462. Of the unobligated balances from prior
8 year appropriations available for “Department of Energy,
9 Energy Programs, Science”, \$7,200,000 is rescinded.

10 SEC. 1463. Of the unobligated balances from prior
11 year appropriations available for “Department of Energy,
12 Energy Programs, Nuclear Waste Disposal”, \$2,800,000
13 is rescinded.

14 SEC. 1464. Of the unobligated balances from prior
15 year appropriations available for “Department of Energy,
16 Energy Programs, Departmental Administration”,
17 \$11,900,000 is rescinded.

18 SEC. 1465. Of the unobligated balances from prior
19 year appropriations available for “Department of Energy,
20 Atomic Energy Defense Activities, National Nuclear Secu-
21 rity Administration, Defense Nuclear Nonproliferation”,
22 \$45,500,000 is rescinded.

23 SEC. 1466. Of the unobligated balances from prior
24 year appropriations available for “Department of Energy,
25 Atomic Energy Defense Activities, National Nuclear Secu-

1 rity Administration, Naval Reactors”, \$1,200,000 is re-
2 scinded.

3 SEC. 1467. 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, Office of the Administrator”,
7 \$4,400,000 is rescinded.

8 SEC. 1468. Of the unobligated balances from prior
9 year appropriations available for “Department of Energy,
10 Environmental and Other Defense Activities, Defense En-
11 vironmental Cleanup”, \$11,900,000 is rescinded.

12 SEC. 1469. Of the unobligated balances from prior
13 year appropriations available for “Department of Energy,
14 Environmental and Other Defense Activities, Other De-
15 fense Activities”, \$3,400,000 is rescinded.

16 SEC. 1470. Of the unobligated balances from prior
17 year appropriations available for “Independent Agencies,
18 Delta Regional Authority”, \$6,000,000 is rescinded.

19 SEC. 1471. Of the unobligated balances from prior
20 year appropriations available for “Independent Agencies,
21 Denali Commission”, \$15,000,000 is rescinded.

22 SEC. 1472. Within 30 days of enactment of this divi-
23 sion, the Department of Energy, Corps of Engineers,
24 Civil, Nuclear Regulatory Commission, and Bureau of
25 Reclamation shall submit to the Committees on Appro-

1 priations of the House of Representatives and the Senate
2 a spending, expenditure, or operating plan for fiscal year
3 2011 at a level of detail below the account level.

4 ~~SEC. 1473.~~ No rescission made in this title shall
5 apply to any amount previously designated by the Con-
6 gress as an emergency requirement pursuant to a concur-
7 rent resolution on the budget or the Balanced Budget and
8 Emergency Deficit Control Act of 1985.

9 ~~SEC. 1474.~~ None of the funds made available by this
10 division or prior appropriation Acts (other than Public
11 Law 111-5) for Energy and Water Development may be
12 used to pay the costs of employment (such as pay and
13 benefits), or termination (such as severance pay), of any
14 employee of the Department of Energy who is appointed,
15 employed, or retained under the authority of, or using
16 funds provided by, Public Law 111-5, or whose functions
17 or operations (including programmatic or oversight re-
18 sponsibilities) are substantially or entirely funded under
19 Public Law 111-5.

20 ~~SEC. 1475.~~ (a) None of the funds made available by
21 this Act may be used to implement—

22 (1) Reasonable and Prudent Action Component
23 1, Reasonable and Prudent Action Component 2, or
24 Reasonable and Prudent Action Component 3 de-
25 scribed in the biological opinion for the operations of

1 the Central Valley Project and the California State
2 Water Project issued by the United States Fish and
3 Wildlife Service and dated December 15, 2008; or

4 (2) Reasonable and Prudent Action IV.2.1 or
5 Reasonable and Prudent Action IV.2.3 described in
6 the biological opinion for the operations of the Cen-
7 tral Valley Project and the California State Water
8 Project issued by the National Marine Fisheries
9 Service and dated June 4, 2009.

10 (b) None of the funds made available by this Act may
11 be used to implement section 10004, 10005, 10006,
12 10009, or 10011 of Public Law 111–11.

13 TITLE V—FINANCIAL SERVICES AND GENERAL
14 GOVERNMENT

15 SEC. 1501. Notwithstanding section 1101, the level
16 for “Department of the Treasury, Departmental Offices,
17 Salaries and Expenses” shall be \$299,888,000, of which
18 \$102,613,000 shall be for terrorism and financial intel-
19 ligence activities; and the requirements to transfer funds
20 to the National Academy of Science and the funding des-
21 ignations related to executive direction program activities;
22 economic policies and program activities; financial policies
23 and program activities; Treasury-wide management poli-
24 cies and program activities; and administration program

1 activities shall not apply to funds appropriated by this di-
2 vision.

3 ~~SEC. 1502. Notwithstanding section 1101, the level~~
4 for “Department of the Treasury, Departmental Offices,
5 Department-wide Systems and Capital Investment Pro-
6 grams” shall be \$4,000,000.

7 ~~SEC. 1503. Notwithstanding section 1101, the level~~
8 for “Department of Treasury, Office of Inspector General,
9 Salaries and Expenses” shall be \$29,403,000.

10 ~~SEC. 1504. Notwithstanding section 1101, the level~~
11 for “Department of the Treasury, Departmental Offices,
12 Special Inspector General for the Troubled Asset Relief
13 Program, Salaries and Expenses” shall be \$36,300,000.

14 ~~SEC. 1505. Notwithstanding section 1101, the level~~
15 for “Department of Treasury, Financial Crimes Enforce-
16 ment Network, Salaries and Expenses” shall be
17 \$108,927,000.

18 ~~SEC. 1506. Notwithstanding section 1101, the level~~
19 for “Department of the Treasury, Financial Management
20 Service, Salaries and Expenses” shall be \$232,838,000.

21 ~~SEC. 1507. Notwithstanding section 1101, the level~~
22 for “Department of the Treasury, Bureau of the Public
23 Debt, Administering the Public Debt” shall be
24 \$184,658,000.

1 SEC. 1508. Of the unobligated balances available
2 under the heading “Department of the Treasury, Treas-
3 ury Forfeiture Fund”, \$400,000,000 is rescinded.

4 SEC. 1509. Notwithstanding section 1101, the level
5 for “Department of the Treasury, Alcohol and Tobacco
6 Tax and Trade Bureau, Salaries and Expenses” shall be
7 \$99,831,000, and the first proviso under such heading
8 shall not apply to funds appropriated by this division.

9 SEC. 1510. Notwithstanding section 1101, the level
10 for “Department of the Treasury, Community Develop-
11 ment Financial Institutions Fund Program Account” shall
12 be \$50,000,000 for financial assistance, technical assist-
13 ance, training outreach programs, and administrative ex-
14 penses, of which not less than \$2,500,000 shall be for pro-
15 grams under sections 105 through 109 of the Community
16 Development Banking and Financial Institutions Act of
17 1994 (12 U.S.C. 4704–4708) designed to benefit Native
18 communities; and the requirement to transfer funds to the
19 Capital Magnet Fund and the funding designations for
20 pilot project grants and administration shall not apply to
21 funds appropriated by this division.

22 SEC. 1511. Notwithstanding section 1101, the level
23 for “Department of the Treasury, Internal Revenue Serv-
24 ice, Taxpayer Services” shall be \$2,187,836,000.

1 SEC. 1512. Notwithstanding section 1101, the level
2 for “Department of the Treasury, Internal Revenue Serv-
3 ice, Enforcement” shall be \$5,219,016,000.

4 SEC. 1513. Notwithstanding section 1101, the level
5 for “Department of the Treasury, Internal Revenue Serv-
6 ice, Operations Support” shall be \$3,856,894,000, and the
7 funding designations for tax enforcement under such
8 heading shall not apply to funds appropriated by this divi-
9 sion.

10 SEC. 1514. Notwithstanding section 1101, and sec-
11 tion 101 of division C of Public Law 111–117, the Sec-
12 retary of the Treasury is authorized to transfer up to
13 \$83,211,000 of the funds appropriated to the Internal
14 Revenue Service for “Enforcement” and “Operations Sup-
15 port” to “Business Systems Modernization” upon notifica-
16 tion and approval of the House and Senate Committees
17 on Appropriations.

18 SEC. 1515. Notwithstanding section 1101, section
19 105 of division C of Public Law 111–117 shall not apply
20 to funds appropriated by this division.

21 SEC. 1516. None of the funds made available by this
22 division may be used by the Internal Revenue Service to
23 implement or enforce any amendment made to section
24 6041 of the Internal Revenue Code of 1986 by section

1 9006 of the Patient Protection and Affordable Care Act
2 (Public Law 111–148).

3 SEC. 1517. (a) During fiscal year 2011, the Board
4 of Governors of the Federal Reserve may not transfer
5 more than \$80,000,000 to the Bureau of Consumer Fi-
6 nancial Protection for activities authorized to be carried
7 out by the Bureau under title X of the Dodd-Frank Wall
8 Street Reform and Consumer Protection Act.

9 (b) During fiscal year 2011, the Bureau of Consumer
10 Financial Protection may not obligate more than
11 \$80,000,000 for such activities.

12 SEC. 1518. Notwithstanding section 1101, the level
13 for “Executive Office of the President and Funds Appro-
14 priated to the President, The White House, Salaries and
15 Expenses” shall be \$56,186,000.

16 SEC. 1519. Notwithstanding section 1101, the level
17 for “Executive Office of the President and Funds Appro-
18 priated to the President, Executive Residence at the White
19 House, Operating Expenses” shall be \$13,146,000.

20 SEC. 1520. Notwithstanding section 1101, the level
21 for “Executive Office of the President and Funds Appro-
22 priated to the President, White House Repair and Res-
23 toration” shall be \$2,005,000.

24 SEC. 1521. Of the unobligated balances available for
25 “Executive Office of the President and Funds Appro-

1 priated to the President, Office of National Drug Control
2 Policy, Counterdrug Technology Assessment Center”;
3 \$5,000,000 is rescinded.

4 SEC. 1522. Notwithstanding section 1101, the level
5 for “Executive Office of the President and Funds Appro-
6 priated to the President, Council of Economic Advisors,
7 Salaries and Expenses” shall be \$3,990,000.

8 SEC. 1523. Notwithstanding section 1101, the level
9 for “Executive Office of the President and Funds Appro-
10 priated to the President, National Security Council, Sala-
11 ries and Expenses” shall be \$11,619,000.

12 SEC. 1524. Notwithstanding section 1101, the level
13 for “Executive Office of the President and Funds Appro-
14 priated to the President, Office of Administration, Sala-
15 ries and Expenses” shall be \$109,516,000.

16 SEC. 1525. Notwithstanding section 1101, the level
17 for “Executive Office of the President and Funds Appro-
18 priated to the President, Office of Management and Budg-
19 et, Salaries and Expenses” shall be \$88,220,000.

20 SEC. 1526. Notwithstanding section 1101, the level
21 for “Executive Office of the President and Funds Appro-
22 priated to the President, Office of National Drug Control
23 Policy, Salaries and Expenses” shall be \$24,886,000.

24 SEC. 1527. Of the unobligated balances available for
25 “Executive Office of the President and Funds Appro-

1 priated to the President, Office of National Drug Control
2 Policy, Salaries and Expenses” for policy research and
3 evaluation, \$2,000,000 is rescinded.

4 SEC. 1528. Notwithstanding section 1101, the level
5 for “Executive Office of the President and Funds Appro-
6 priated to the President, Office of National Drug Control
7 Policy, Counterdrug Technology Assessment Center” shall
8 be \$0.

9 SEC. 1529. Notwithstanding section 1101, the level
10 for “Executive Office of the President and Funds Appro-
11 priated to President, Unanticipated Needs” shall be \$0.

12 SEC. 1530. Notwithstanding section 1101, the level
13 for “Executive Office of the President and Funds Appro-
14 priated to the President, Partnership Fund for Program
15 Integrity Innovation” shall be \$0.

16 SEC. 1531. Notwithstanding section 1101, the level
17 for “Executive Office of the President and Funds Appro-
18 priated to the President, Special Assistance to the Presi-
19 dent, Salaries and Expenses” shall be \$4,374,000.

20 SEC. 1532. Notwithstanding section 1101, the level
21 for “Executive Office of the President and Funds Appro-
22 priated to the President, Official Residence of the Vice
23 President, Operating Expenses” shall be \$314,000.

24 SEC. 1533. Of the unobligated balances available for
25 “Executive Office of the President and Funds Appro-

1 priated to the President, Partnership Fund for Program
2 Integrity Innovation”, \$10,000,000 is rescinded.

3 SEC. 1534. Notwithstanding section 1101, the level
4 for “Executive Office of the President and Funds Appro-
5 priated to the President, Office of National Drug Control
6 Policy, Other Federal Drug Control Programs” shall be
7 \$96,425,000, of which \$85,500,000 shall be for the Drug-
8 Free Communities Program; \$9,025,000 shall be for anti-
9 doping activities; and the matter related to a national
10 media campaign, the National Drug Court Institute, the
11 United States Anti-Doping Agency, Model State Drug
12 Laws and performance measures shall not apply to the
13 funds appropriated by this division.

14 SEC. 1535. Notwithstanding section 1101, none of
15 the funds appropriated by this division under heading
16 “Executive Office of the President and Funds Appro-
17 priated to the President” shall be for an Assistant to the
18 President for Energy and Climate Change, or any sub-
19 stantially similar position.

20 SEC. 1536. Notwithstanding section 1101, none of
21 the funds appropriated by this division under the heading
22 “Executive Office of the President and Funds Appro-
23 priated to the President” shall be for the Director of the
24 Office of Health Care Reform, or any substantially similar
25 position.

1 SEC. 1537. Notwithstanding section 1101, the level
2 for “The Judiciary, Supreme Court of the United States,
3 Care of the Building and Grounds” shall be \$8,175,000.

4 SEC. 1538. Notwithstanding section 1101, the level
5 for “The Judiciary, Courts of Appeals, District Courts,
6 and Other Judicial Services, Salaries and Expenses” shall
7 be \$4,860,585,000.

8 SEC. 1539. Notwithstanding section 1101, the level
9 for “The Judiciary, Courts of Appeals, District Courts,
10 and Other Judicial Services, Fees of Jurors and Commis-
11 sioners” shall be \$52,410,000.

12 SEC. 1540. Notwithstanding section 1101, the level
13 for “The Judiciary, Administrative Office of the United
14 States Courts, Salaries and Expenses” shall be
15 \$82,575,000.

16 SEC. 1541. Notwithstanding section 1101, the level
17 for “The Judiciary, Federal Judicial Center, Salaries and
18 Expenses” shall be \$27,078,000.

19 SEC. 1542. Notwithstanding section 1101, the level
20 for “The Judiciary, United States Sentencing Commis-
21 sion, Salaries and Expenses” shall be \$16,737,000.

22 SEC. 1543. Notwithstanding section 1101, the level
23 for “The Judiciary, Courts of Appeals, District Courts,
24 and Other Judicial Services, Court Security” shall be
25 \$467,607,000.

1 SEC. 1544. The amount included in the second para-
2 graph under the heading “The Judiciary, Courts of Ap-
3 peals, District Courts, and Other Judicial Services, Sala-
4 ries and Expenses” in division C of Public Law 111–117
5 shall be applied to funds appropriated by this division by
6 substituting “\$4,785,000” for “\$5,428,000”.

7 SEC. 1545. Of the unobligated balances available for
8 “The Judiciary, United States Sentencing Commission,
9 Salaries and Expenses”, \$100,000 is rescinded.

10 SEC. 1546. Section 203(c) of the Judicial Improve-
11 ments Act of 1990 (Public Law 101–650; 28 U.S.C. 133
12 note) is amended in the third sentence (relating to the
13 District of Kansas) by striking “19 years” and inserting
14 “20 years”.

15 SEC. 1547. Notwithstanding section 1101, the level
16 for “District of Columbia, Federal Funds, Federal Pay-
17 ment to the District of Columbia Courts” shall be
18 \$235,660,000, of which \$50,000,000 shall be for capital
19 improvements.

20 SEC. 1548. (a) Notwithstanding section 1101, the
21 level for “District of Columbia, Federal Funds, Federal
22 Payment for School Improvement” shall be \$60,000,000,
23 of which \$24,500,000 shall be for the District of Columbia
24 Public Schools, \$20,000,000 shall be to expand quality
25 public charter schools, and \$15,500,000 shall be for op-

1 opportunity scholarships, and the second reference to
2 “\$1,000,000” under such heading shall be applied to
3 funds appropriated by this division by substituting “\$0”.

4 (b) The authority and conditions provided in the Dis-
5 trict of Columbia Appropriations Act, 2010 (Public Law
6 111–117; 123 Stat. 3181) under the heading described in
7 subsection (a) shall apply with respect to the funds made
8 available under this division, with the following modifica-
9 tions:

10 (1) The first proviso under such heading shall
11 not apply.

12 (2) Notwithstanding the second proviso under
13 such heading, the funds may be made available for
14 scholarships to students, without regard to whether
15 any student received a scholarship in any prior
16 school year.

17 (3) The fourth proviso under such heading shall
18 not apply.

19 (4) Notwithstanding the fifth proviso under
20 such heading, the Secretary of Education shall en-
21 sure that site inspections of participating schools are
22 conducted annually.

23 SEC. 1549. Notwithstanding section 1101, the level
24 for “District of Columbia, Federal Funds, Federal Pay-

1 ment to the District of Columbia Water and Sewer Au-
2 thority” shall be \$10,000,000.

3 SEC. 1550. Notwithstanding section 1101, the level
4 for “District of Columbia, Federal Funds, Federal Pay-
5 ment to the Criminal Justice Coordinating Council” shall
6 be \$1,800,000.

7 SEC. 1551. Notwithstanding section 1101, the level
8 for “District of Columbia, Federal Funds, Federal Pay-
9 ment to the Office of the Chief Financial Officer for the
10 District of Columbia” shall be \$0.

11 SEC. 1552. Notwithstanding section 1101, the level
12 for “District of Columbia, Federal Funds, Federal Pay-
13 ment for Consolidated Laboratory Facility” shall be \$0.

14 SEC. 1553. Notwithstanding section 1101, the level
15 for “District of Columbia, Federal Funds, Federal Pay-
16 ment for Housing for the Homeless” shall be
17 \$10,000,000.

18 SEC. 1554. Notwithstanding section 1101, the level
19 for “District of Columbia, Federal Funds, Federal Pay-
20 ment for Youth Services” shall be \$0.

21 SEC. 1555. Notwithstanding any other provision of
22 this division, except section 1106, the District of Columbia
23 may expend local funds for programs and activities under
24 the heading “District of Columbia Funds” for such pro-
25 grams and activities under title IV of S. 3677 (111th Con-

1 gress), as reported by the Committee on Appropriations
2 of the Senate, at the rate set forth under “District of Co-
3 lumbia Funds” as included in the Fiscal Year 2011 Budg-
4 et Request Act (D.C. Act 18-448), as modified as of the
5 date of the enactment of this division.

6 SEC. 1556. Notwithstanding section 1101, the level
7 for “Independent Agencies, Christopher Columbus Fellow-
8 ship Foundation, Salaries and Expenses” shall be
9 \$500,000.

10 SEC. 1557. Notwithstanding section 1101, the level
11 for “Independent Agencies, Election Assistance Commis-
12 sion, Election Reform Programs” shall be \$0.

13 SEC. 1558. Notwithstanding section 1101, the level
14 for “Independent Agencies, General Service Administra-
15 tion, General Activities, Government-Wide Policy” shall be
16 \$59,068,000.

17 SEC. 1559. Notwithstanding section 1101, the level
18 for “Independent Agencies, Federal Deposit Insurance
19 Corporation, Office of the Inspector General” shall be
20 \$42,942,000.

21 SEC. 1560. Notwithstanding section 1101, the level
22 for “Independent Agencies, Federal Labor Relations Au-
23 thority, Salaries and Expenses” shall be \$24,500,000.

1 SEC. 1561. Notwithstanding section 1101, the level
2 for “Independent Agencies, General Services Administra-
3 tion, Electronic Government Fund” shall be \$2,000,000.

4 SEC. 1562. Notwithstanding section 1101, the level
5 for “Independent Agencies, General Services Administra-
6 tion, Federal Citizen Services Fund” shall be
7 \$34,689,000.

8 SEC. 1563. Notwithstanding section 1101, the level
9 for “Independent Agencies, Federal Election Commission,
10 Salaries and Expenses” shall be \$65,835,000.

11 SEC. 1564. Notwithstanding section 1101, the level
12 for “Independent Agencies, Federal Trade Commission,
13 Salaries and Expenses” shall be \$288,783,000.

14 SEC. 1565. Notwithstanding section 1101, the level
15 for “Independent Agencies, Morris K. Udall and Stewart
16 Udall Foundation, Morris K. Udall and Stewart Udall
17 Trust Fund” shall be \$1,000,000.

18 SEC. 1566. Notwithstanding section 1101, the level
19 for “Independent Agencies, National Credit Union Admin-
20 istration, Community Development Revolving Loan Fund”
21 shall be \$500,000.

22 SEC. 1567. Notwithstanding section 1101, the level
23 for “Independent Agencies, Privacy and Civil Liberties
24 Oversight Board, Salaries and Expenses” shall be
25 \$100,000.

1 SEC. 1568. Notwithstanding section 1101, the level
2 for “Independent Agencies, Consumer Product Safety
3 Commission, Salaries and Expenses” shall be
4 \$115,018,000, of which \$500,000 shall be for the Virginia
5 Graeme Baker Pool and Spa Safety Act grant program.

6 SEC. 1569. Of the unobligated balances available
7 under the heading “Independent Agencies, Consumer
8 Product Safety Commission, Salaries and Expenses” for
9 the Virginia Graeme Baker Pool and Spa Safety Act grant
10 program, \$2,000,000 is rescinded.

11 SEC. 1570. Notwithstanding section 1101, the level
12 for “Independent Agencies, Election Assistance Commis-
13 sion, Salaries and Expenses” shall be \$15,020,000, of
14 which \$2,345,000 shall be transferred to the National In-
15 stitute of Standards and Technology for election reform
16 activities authorized under the Help America Vote Act of
17 2002 (Public Law 107–252), the level under such heading
18 for the Help America Vote College Program shall be \$0,
19 and the level under such heading for a competitive grant
20 program to support community involvement in student
21 and parent mock elections shall be \$0.

22 SEC. 1571. Of the unobligated balances available for
23 “Independent Agencies, Election Assistance Commission,
24 Election Reform Programs”, \$5,000,000 is rescinded.

1 SEC. 1572. Notwithstanding section 1101, the aggregate amount of new obligational authority provided under
2 the heading “Independent Agencies, General Services Administration, Real Property Activities, Federal Buildings
3 Fund, Limitations on Availability of Revenue” for Federal
4 buildings and courthouses and other purposes of the Fund
5 shall be \$7,428,007,000, of which: (1) \$0 is for “Construction and Acquisition”; and (2) \$280,000,000 is for
6 “Repairs and Alterations”, of which \$260,000,000 is for
7 basic repairs and alterations and \$20,000,000 is for fire
8 and life safety programs.
9

10 SEC. 1573. Notwithstanding section 1101, the level
11 for “Independent Agencies, General Services Administration, General Activities, Operating Expenses” shall be
12 \$71,381,000 and matters pertaining to the amount of
13 \$1,000,000 shall not apply to funds appropriated by this
14 division.
15

16 SEC. 1574. Notwithstanding section 1101, the level
17 for “Independent Agencies, National Archives and
18 Records Administration, Operating Expenses” shall be
19 \$336,372,000.
20

21 SEC. 1575. Notwithstanding section 1101, the level
22 for “Independent Agencies, National Archives and
23 Records Administration, Electronic Records Archives”
24

1 shall be \$72,000,000, of which \$52,500,000 shall remain
2 available until September 30, 2013.

3 SEC. 1576. Notwithstanding section 1101, the level
4 for “Independent Agencies, National Archives and
5 Records Administration, Repairs and Restoration” shall
6 be \$11,730,000.

7 SEC. 1577. Notwithstanding section 1101, the level
8 for “Independent Agencies, National Archives and
9 Records Administration, National Historical Publications
10 and Records Commission, Grants Program” shall be
11 \$4,000,000.

12 SEC. 1578. Of the unobligated balances available
13 under the heading “Independent Agencies, National Ar-
14 chives and Records Administration, Repairs and Restora-
15 tion” \$3,198,000 is rescinded, which shall be derived from
16 amounts made available for a new regional archives and
17 records facility in Anchorage, Alaska.

18 SEC. 1579. The amounts included under the heading
19 “Independent Agencies, Merit Systems Protection Board,
20 Salaries and Expenses” in division C of Public Law 111-
21 117 shall be applied to funds appropriated by this division
22 by substituting “\$39,000,000” for “\$40,339,000”.

23 SEC. 1580. The amounts included under the heading
24 “Independent Agencies, Office of Personnel Management,
25 Salaries and Expenses” in division C of Public Law 111-

1 117 shall be applied to funds appropriated by this division
2 as follows:

3 (1) By substituting “\$101,270,000” for
4 “\$102,970,000”.

5 (2) By substituting “\$111,038,000” for
6 “\$112,738,000”.

7 SEC. 1581. The amounts included under the heading
8 “Independent Agencies, Office of Personnel Management,
9 Office of Inspector General” in division C of Public Law
10 111–117 shall be applied to funds appropriated by this
11 division as follows:

12 (1) By substituting “\$2,136,000” for
13 “\$3,148,000”.

14 (2) By substituting “20,428,000” for
15 “21,215,000”.

16 SEC. 1582. Notwithstanding section 1101, the level
17 for “Independent Agencies, Office of Special Counsel, Sal-
18 aries and Expenses” shall be \$18,300,000.

19 SEC. 1583. Of the unobligated balances available for
20 “Independent Agencies, Privacy and Civil Liberties Over-
21 sight Board, Salaries and Expenses”, \$1,500,000 is re-
22 scinded.

23 SEC. 1584. Notwithstanding section 1101, the level
24 provided under section 523 of division C of Public Law
25 111–117 shall be \$0.

1 SEC. 1585. Notwithstanding section 1101, the level
2 for “Independent Agencies, Small Business Administra-
3 tion, Salaries and Expenses” shall be \$408,438,000.

4 SEC. 1586. The amounts included under the heading
5 “Independent Agencies, United States Postal Service,
6 Payment to the Postal Service Fund” in division C of Pub-
7 lic Law 111-117 shall be applied to funds appropriated
8 by this division as follows:

9 (1) By substituting “\$103,905,000” for
10 “\$118,328,000”.

11 (2) By substituting “\$74,905,000” for
12 “\$89,328,000”.

13 (3) By substituting “2011” for “2010”.

14 SEC. 1587. Notwithstanding section 1101, the level
15 for “Independent Agencies, Securities and Exchange Com-
16 mission, Salaries and Expenses” shall be \$1,069,916,000
17 and the proviso pertaining to prior year unobligated bal-
18 ances shall not apply to funds appropriated by this divi-
19 sion.

20 SEC. 1588. Notwithstanding section 1101, the level
21 for “Independent Agencies, Selective Service System, Sal-
22 aries and Expenses” shall be \$24,032,000.

23 SEC. 1589. Notwithstanding section 1101, the level
24 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. 1590. Section 814 of division C of Public Law
4 111–117 shall be applied to funds appropriated by this
5 division by striking “Federal”.

6 SEC. 1591. (a) Notwithstanding section 1101, and
7 section 810 of division C of Public Law 111–117, none
8 of the funds contained in this division may be used for
9 any program of distributing sterile needles or syringes for
10 the hypodermic injection of any illegal drug.

11 (b) Any individual or entity who receives any funds
12 contained in this division and who carries out any program
13 described in subsection (a) shall account for all funds used
14 for such program separately from any funds contained in
15 this division.

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 \$136,818,000.

7 SEC. 1603. Notwithstanding section 1101, the level
8 for “Department of Homeland Security, Office of the
9 Under Secretary for Management” shall be \$239,933,000.

10 SEC. 1604. Notwithstanding section 1101, the level
11 for “Department of Homeland Security, Office of the
12 Chief Information Officer” shall be \$333,393,000, of
13 which not less than \$77,788,000 shall be available for data
14 center development and migration.

15 SEC. 1605. Notwithstanding section 1101, the level
16 for “Department of Homeland Security, Office of the Fed-
17 eral Coordinator for Gulf Coast Rebuilding” shall be \$0.

18 SEC. 1606. Notwithstanding section 1101, the level
19 for “Department of Homeland Security, U.S. Customs
20 and Border Protection, Salaries and Expenses” shall be
21 \$8,212,626,000: *Provided*, That for fiscal year 2011, the
22 Border Patrol shall maintain an active duty presence of
23 not fewer than 20,500 full-time equivalent agents through-
24 out the fiscal year.

1 SEC. 1607. Notwithstanding section 1101, the level
2 for “Department of Homeland Security, U.S. Customs
3 and Border Protection, Automation Modernization” shall
4 be \$341,575,000, of which \$153,090,000 shall be for the
5 Automated Commercial Environment.

6 SEC. 1608. (a) Notwithstanding section 1101, the
7 level for “Department of Homeland Security, U.S. Customs
8 and Border Protection, Border Security Fencing, In-
9 frastructure, and Technology” shall be \$450,000,000.

10 (b) Paragraph (11) of the first proviso and the third
11 and fourth provisos under the heading “Border Security
12 Fencing, Infrastructure, and Technology” of Public Law
13 111–83 shall not apply to funds appropriated by this divi-
14 sion.

15 SEC. 1609. Notwithstanding section 1101, the level
16 for “Department of Homeland Security, U.S. Customs
17 and Border Protection, Air and Marine Interdiction, Oper-
18 ations, Maintenance, and Procurement” shall be
19 \$516,326,000.

20 SEC. 1610. Notwithstanding section 1101, the level
21 for “Department of Homeland Security, U.S. Customs
22 and Border Protection, Construction and Facilities Man-
23 agement” shall be \$241,040,000.

24 SEC. 1611. Notwithstanding section 1101, the level
25 for “Department of Homeland Security, U.S. Immigration

1 and Customs Enforcement, Salaries and Expenses” shall
2 be \$5,399,894,000: *Provided*, That U.S. Immigration and
3 Customs Enforcement shall maintain a level of not fewer
4 than 33,400 detention beds throughout fiscal year 2011.

5 SEC. 1612. Notwithstanding section 1101, the level
6 for “Department of Homeland Security, U.S. Immigration
7 and Customs Enforcement, Automation Modernization”
8 shall be \$75,000,000.

9 SEC. 1613. Notwithstanding section 1101, the level
10 for “Department of Homeland Security, U.S. Immigration
11 and Customs Enforcement, Construction” shall be \$0.

12 SEC. 1614. Notwithstanding section 1101, the level
13 for “Department of Homeland Security, Transportation
14 Security Administration, Aviation Security” shall be
15 \$5,113,796,000: *Provided*, That the amounts included
16 under such heading in Public Law 111–83 shall be applied
17 to funds appropriated by this division as follows: by sub-
18 stituting “\$5,113,796,000” for “\$5,214,040,000”; by
19 substituting “\$4,121,329,000” for “\$4,358,076,000”; by
20 substituting “\$607,891,000” for “\$1,116,406,000”; by
21 substituting “\$992,467,000” for “\$855,964,000”; by sub-
22 stituting “\$291,266,000” for “\$778,300,000”; by sub-
23 stituting “9 percent” for “28 percent”; and by sub-
24 stituting “\$3,013,796,000” for “\$3,114,040,000”: *Pro-*
25 *vided further*, That none of the funds in this division may

1 be used for any recruiting or hiring of personnel into the
2 Transportation Security Administration that would cause
3 the agency to exceed a staffing level of 46,000 full-time
4 equivalent screeners: *Provided further*, That not later than
5 August 15, 2011, the Secretary of Homeland Security
6 shall submit a detailed report on: (1) the Department's
7 efforts and the resources being devoted to develop more
8 advanced, integrated passenger screening technologies for
9 the most effective security of passengers and baggage at
10 the lowest possible operating and acquisition costs; and
11 (2) how the Transportation Security Administration is de-
12 ploying its existing screener workforce in the most cost-
13 effective manner.

14 SEC. 1615. Notwithstanding section 1101, the level
15 for "Department of Homeland Security, Transportation
16 Security Administration, Surface Transportation Secu-
17 rity" shall be \$105,961,000.

18 SEC. 1616. Notwithstanding section 1101, the level
19 for "Department of Homeland Security, Transportation
20 Security Administration, Transportation Threat Assess-
21 ment and Credentialing" shall be \$162,999,000.

22 SEC. 1617. Notwithstanding section 1101, the level
23 for "Department of Homeland Security, Transportation
24 Security Administration, Transportation Security Sup-
25 port" shall be \$988,638,000. *Provided*, That within "De-

1 partment of Homeland Security, Transportation Security
2 Administration, Transportation Security Support”, fund-
3 ing for intelligence and international programs shall be no
4 less than the level provided for such purposes for fiscal
5 year 2010: *Provided further*, That within “Department of
6 Homeland Security, Transportation Security Administra-
7 tion, Transportation Security Support”, funding for head-
8 quarters administration and information technology shall
9 not exceed \$705,239,000.

10 SEC. 1618. Notwithstanding section 1101, the level
11 for “Department of Homeland Security, Transportation
12 Security Administration, Federal Air Marshals” shall be
13 \$934,802,000.

14 SEC. 1619. Notwithstanding section 1101, the level
15 for “Department of Homeland Security, Coast Guard, Op-
16 erating Expenses” shall be \$6,885,432,000 of which
17 \$241,503,000 is designated as being for contingency oper-
18 ations directly related to the global war on terrorism pur-
19 suant to section 3(c)(2) of H. Res. 5 (112th Congress),
20 and as an emergency requirement pursuant to section
21 403(a) of S. Con. Res. 13 (111th Congress): *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 *Provided further*, That the Coast Guard shall submit a fu-
6 ture-years capital investment plan, as specified in the De-
7 partment of Homeland Security Appropriations Act, 2010
8 (Public Law 111-83), for fiscal years 2012 through 2016
9 to the Committees on Appropriations of the Senate and
10 House of Representatives in conjunction with the budget
11 justification materials for fiscal year 2012.

12 SEC. 1620. Notwithstanding section 1101, the level
13 for “Department of Homeland Security, Coast Guard, Ac-
14 quisition, Construction, and Improvements” shall be
15 \$1,427,783,000, of which \$42,000,000 shall be for vessels,
16 small boats, critical infrastructure, and related equipment;
17 of which \$36,000,000 shall be for other equipment; of
18 which \$49,200,000 shall be for shore facilities and aids
19 to navigation facilities; of which \$106,083,000 shall be
20 available for personnel compensation and benefits and re-
21 lated costs; and of which \$1,194,500,000 shall be for the
22 Integrated Deepwater Systems program: *Provided*, That
23 of the funds made available for the Integrated Deepwater
24 Systems program, \$101,000,000 is for aircraft and
25 \$938,000,000 is for surface ships.

1 ~~SEC. 1621. Notwithstanding section 1101, the level~~
2 for “~~Department of Homeland Security, Coast Guard, Al-~~
3 ~~teration of Bridges” shall be \$0.~~

4 ~~SEC. 1622. Notwithstanding section 1101, the level~~
5 for “~~Department of Homeland Security, United States Se-~~
6 ~~cret Service, Salaries and Expenses” shall be~~
7 ~~\$1,499,669,000.~~

8 ~~SEC. 1623. Notwithstanding section 1101, the level~~
9 for “~~Department of Homeland Security, National Protec-~~
10 ~~tion and Programs Directorate, Management and Admin-~~
11 ~~istration” shall be \$43,577,000.~~

12 ~~SEC. 1624. 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 \$805,965,000.~~

16 ~~SEC. 1625. Notwithstanding section 1101, the level~~
17 for “~~Department of Homeland Security, National Protec-~~
18 ~~tion and Programs Directorate, United States Visitor and~~
19 ~~Immigrant Status Indicator Technology” shall be~~
20 ~~\$334,613,000.~~

21 ~~SEC. 1626. Notwithstanding section 1101, the level~~
22 for “~~Department of Homeland Security, Office of Health~~
23 ~~Affairs” shall be \$134,250,000.~~

24 ~~SEC. 1627. Notwithstanding section 1101, the level~~
25 for “~~Department of Homeland Security, Federal Emer-~~

1 gency Management Agency, Management and Administra-
2 tion” shall be \$773,350,000, of which \$0 shall be for cap-
3 ital improvements at the Mount Weather Emergency Op-
4 erations Center.

5 SEC. 1628. Notwithstanding section 1101, the level
6 for “Department of Homeland Security, Federal Emer-
7 gency Management Agency, State and Local Programs”
8 shall be \$2,149,500,000: *Provided*, That of the amount
9 provided by this division for the State Homeland Security
10 Grant Program under such heading, \$50,000,000 shall be
11 for the Driver’s License Security Grant Program and
12 \$10,000,000 shall be for the Citizen Corps Program: *Pro-*
13 *vided further*, That the amounts provided by this division
14 for the Citizen Corps Program under such heading shall
15 not be subject to the requirements of subtitle A of title
16 XX of the Homeland Security Act of 2002 (6 U.S.C. 603
17 et seq.): *Provided further*, That the amounts included
18 under such heading in Public Law 111–83 shall be applied
19 to funds appropriated by this division as follows: in para-
20 graph (1), by substituting “\$900,000,000” for
21 “\$950,000,000”; in paragraph (2), by substituting
22 “\$800,000,000” for “\$887,000,000”; in paragraph (3),
23 by substituting “\$0” for “\$35,000,000”; in paragraph
24 (5), by substituting “\$0” for “\$13,000,000”; in para-
25 graph (6), by substituting “\$100,000,000” for

1 “\$300,000,000”; in paragraph (7), by substituting
2 “\$100,000,000” for “\$300,000,000”; in paragraph (8),
3 by substituting “\$5,000,000” for “\$12,000,000”; in para-
4 graph (9), by substituting “\$0” for “\$50,000,000”; in
5 paragraph (10), by substituting “\$0” for “\$50,000,000”;
6 in paragraph (11), by substituting “\$0” for
7 “\$50,000,000”; in paragraph (12), by substituting “\$0”
8 for each amount in such paragraph; in paragraph (13),
9 by substituting “\$203,500,000” for “\$267,200,000”; in
10 paragraph (13)(A), by substituting “\$112,500,000” for
11 “\$164,500,000”; in paragraph (13)(B), by substituting
12 “\$0” for “\$1,700,000”; and in paragraph (13)(C), by sub-
13 stituting “\$0” for “\$3,000,000”. *Provided further*, That
14 4.5 percent of the amount provided for “Department of
15 Homeland Security, Federal Emergency Management
16 Agency, State and Local Programs” by this division shall
17 be transferred to “Department of Homeland Security,
18 Federal Emergency Management Agency, Management
19 and Administration” for program administration.

20 SEC. 1629. Notwithstanding section 1101, the level
21 for “Department of Homeland Security, Federal Emer-
22 gency Management Agency, Firefighter Assistance
23 Grants” for programs authorized by the Federal Fire Pre-
24 vention and Control Act of 1974 (15 U.S.C. 2201 et seq.),
25 shall be \$300,000,000 (increased by \$510,000,000), of

1 which \$300,000,000 (increased by \$90,000,000) shall be
2 available to carry out section 33 of that Act (15 U.S.C.
3 2229) and \$0 (increased by \$420,000,000) shall be avail-
4 able to carry out section 34 of that Act (15 U.S.C. 2229a).

5 SEC. 1630. Notwithstanding section 1101, the level
6 for “Department of Homeland Security, Federal Emer-
7 gency Management Agency, Emergency Management Per-
8 formance Grants” shall be \$300,000,000.

9 SEC. 1631. Notwithstanding section 1101, the level
10 for “Department of Homeland Security, Federal Emer-
11 gency Management Agency, Disaster Relief” shall be
12 \$3,165,000,000.

13 SEC. 1632. Notwithstanding section 1101, in fiscal
14 year 2011, funds shall not be available from the National
15 Flood Insurance Fund under section 1310 of the National
16 Flood Insurance Act of 1968 (42 U.S.C. 4017) for oper-
17 ating expenses in excess of \$110,000,000, and for agents’
18 commissions and taxes in excess of \$963,339,000: *Pro-*
19 *vided,* That notwithstanding section 1101, for activities
20 under the National Flood Insurance Act of 1968 (42
21 U.S.C. 4001 et seq.) and the Flood Disaster Protection
22 Act of 1973 (42 U.S.C. 4001 et seq.), the level shall be
23 \$169,000,000, which shall be derived from offsetting col-
24 lections assessed and collected under 1308(d) of the Na-
25 tional Flood Insurance Act of 1968 (42 U.S.C. 4015(d)),

1 of which not to exceed \$22,145,000 shall be available for
2 salaries and expenses associated with flood mitigation and
3 flood insurance operations; and not less than
4 \$146,855,000 shall be available for floodplain manage-
5 ment and flood mapping, which shall remain available
6 until September 30, 2012.

7 SEC. 1633. Notwithstanding section 1101, the level
8 for “Department of Homeland Security, Federal Emer-
9 gency Management Agency, National Pre-disaster Mitiga-
10 tion Fund” shall be \$65,000,000.

11 SEC. 1634. Notwithstanding section 1101, the level
12 for “Department of Homeland Security, Federal Emer-
13 gency Management Agency, Emergency Food and Shel-
14 ter” shall be \$100,000,000.

15 SEC. 1635. Notwithstanding section 1101, the level
16 for “Department of Homeland Security, United States
17 Citizenship and Immigration Services” shall be
18 \$275,776,000, of which \$151,376,000 is for processing
19 applications for asylum and refugee status, and of which
20 \$103,400,000 shall be for the E-Verify Program: *Pro-*
21 *vided,* That none of the funds made available under this
22 heading may be used for grants for immigrant integration.

23 SEC. 1636. Notwithstanding section 1101, the level
24 for “Department of Homeland Security, Federal Law En-
25 forcement Training Center, Acquisitions, Construction,

1 Improvements, and Related Expenses” shall be
2 \$38,456,000.

3 SEC. 1637. Notwithstanding section 1101, the level
4 for “Department of Homeland Security, Science and
5 Technology, Management and Administration” shall be
6 \$141,200,000.

7 SEC. 1638. Notwithstanding section 1101, the level
8 for “Department of Homeland Security, Science and
9 Technology, Research, Development, Acquisition, and Op-
10 erations” shall be \$778,906,000 (reduced by
11 \$510,000,000): *Provided*, That the final proviso included
12 under the heading “Department of Homeland Security,
13 Science and Technology, Research, Development, Acquisi-
14 tion, and Operations” in the Department of Homeland Se-
15 curity Appropriations Act, 2010 (Public Law 111–83)
16 shall have no force or effect.

17 SEC. 1639. 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. 1640. Notwithstanding section 1101, the level
22 for “Department of Homeland Security, Domestic Nuclear
23 Detection Office, Research, Development, and Oper-
24 ations” shall be \$293,537,000.

1 SEC. 1641. (a) Section 560 of Public Law 111-83
2 shall not apply to funds appropriated by this division.

3 (b) Upon completion of 50 percent of design planning
4 for the National Bio- and Agro-Defense Facility, and prior
5 to construction of that facility, the Department of Home-
6 land Security shall submit to the Committees on Appro-
7 priations of the Senate and the House of Representatives
8 a revised site-specific biosafety and biosecurity mitigation
9 risk assessment that describes how to significantly reduce
10 risks of conducting essential research and diagnostic test-
11 ing at the National Bio- and Agro-Defense Facility and
12 addresses shortcomings identified in the National Acad-
13 emy of Sciences' evaluation of the initial site-specific bio-
14 safety and biosecurity mitigation risk assessment.

15 (c) The revised site-specific biosafety and biosecurity
16 mitigation risk assessment required by subsection (b)
17 shall—

18 (1) include a quantitative risk assessment for
19 foot-and-mouth disease virus, in particular epidemio-
20 logical and economic impact modeling to determine
21 the overall risk of operating the facility for its ex-
22 pected 50-year life span, taking into account strate-
23 gies to mitigate risk of foot-and-mouth disease virus
24 release from the laboratory and ensure safe oper-

1 ations at the approved National Bio- and Agro-De-
2 fense Facility site;

3 (2) address the impact of surveillance, response,
4 and mitigation plans (developed in consultation with
5 local, State, and Federal authorities and appropriate
6 stakeholders) if a release occurs; to detect and con-
7 trol the spread of disease; and

8 (3) include overall risks of the most dangerous
9 pathogens the Department of Homeland Security ex-
10 pects to hold in the National Bio- and Agro-Defense
11 Facility's biosafety level 4 facility; and effectiveness
12 of mitigation strategies to reduce those risks.

13 (d) The Department of Homeland Security shall
14 enter into a contract with the National Academy of
15 Sciences to evaluate the adequacy and validity of the risk
16 assessment required by subsection (b). The National
17 Academy of Sciences shall submit a report on such evalua-
18 tion within four months after the date the Department
19 of Homeland Security concludes its risk assessment.

20 SEC. 1642. Section 503 of the Department of Home-
21 land Security Appropriations Act, 2010 (Public Law 111-
22 83) is amended by adding at the end the following:

23 “(e) The notification thresholds and procedures set
24 forth in this section shall apply to deviations from the
25 amounts designated for specific activities in this Act and

1 accompanying statement, and to any use of deobligated
2 balances of funds provided under this title in previous
3 years.”.

4 SEC. 1643. For fiscal year 2011, sections 529, 541,
5 and 545 of the Department of Homeland Security Appro-
6 priations Act, 2010 (Public Law 111–83; 123 Stat. 2174,
7 2176) shall have no force or effect.

8 SEC. 1644. Section 831 of the Homeland Security
9 Act of 2002 (6 U.S.C. 391) is amended—

10 (1) in subsection (a), by striking “Until Sep-
11 tember 30, 2010,” and inserting “Until September
12 30, 2011,”; and

13 (2) in subsection (d)(1), by striking “September
14 30, 2010,” and inserting “September 30, 2011,”.

15 SEC. 1645. Section 532(a) of Public Law 109–295
16 (120 Stat. 1384) is amended by striking “2010” and in-
17 serting “2011”.

18 SEC. 1646. Of the funds transferred to the Depart-
19 ment of Homeland Security when it was created in 2003,
20 the following funds are hereby rescinded from the fol-
21 lowing accounts and programs in the specified amounts:

22 (1) “Operations”, \$1,891,657.

23 (2) “Violent Crime Reduction Program”,
24 \$4,912,245.

1 (3) “U.S. Customs and Border Protection, Sal-
2 aries and Expenses”, \$21,210,423.

3 (4) “Office for Domestic Preparedness”,
4 \$10,568,964.

5 SEC. 1647. The following unobligated balances made
6 available to the Department of Homeland Security pursu-
7 ant to section 505 of Department of Homeland Security
8 Appropriations Act, 2010 (Public Law 111–83; 123 Stat.
9 2174) are rescinded: \$886,665 from “Office of the Sec-
10 retary and Executive Management”; \$604,342 from “Of-
11 fice of the Under Secretary for Management”; \$24,379
12 from the “Office of the Chief Financial Officer”; \$29,741
13 from “Office of the Chief Information Officer”; \$218,173
14 from “Analysis and Operations”; \$76,498 from “Office of
15 the Federal Coordinator for Gulf Coast Rebuilding”;
16 \$197,272 from “Office of Inspector General”;
17 \$11,373,129 from “U.S. Customs and Border Protection,
18 Salaries and Expenses”; \$691,552 from “U.S. Immigra-
19 tion and Customs Enforcement, Salaries and Expenses”;
20 \$2,555,962 from “Transportation Security Administra-
21 tion, Federal Air Marshals”; \$8,617,331 from “Coast
22 Guard, Operating Expenses”; \$2,965,312 from “Coast
23 Guard, Reserve Training”; \$83,784 from “National Pro-
24 tection and Programs Directorate, Management and Ad-
25 ministration”; \$551,737 from “National Protection and

1 Programs Directorate, Infrastructure Protection and In-
2 formation Security”; \$704,700 from “United States Se-
3 cret Service, Salaries and Expenses”; \$863,628 from
4 “Federal Emergency Management Agency, Management
5 and Administration”; \$864,660 from “Office of Health
6 Affairs”; \$7,945,983 from “United States Citizenship and
7 Immigration Services”; \$960,828 from “Federal Law En-
8 forcement Training Center, Salaries and Expenses”;
9 ~~\$353,524~~ from “Science and Technology, Management
10 and Administration”; and \$45,468 from “Domestic Nu-
11 clear Detection Office, Management and Administration”.

12 SEC. 1648. Of the funds appropriated to the Depart-
13 ment of Homeland Security, the following unobligated bal-
14 ances are hereby rescinded from the following accounts
15 and programs in the specified amounts:

16 (1) “Department of Homeland Security, U.S.
17 Customs and Border Protection, Automation Mod-
18 ernization”, \$10,000,000.

19 (2) “Department of Homeland Security, U.S.
20 Customs and Border Protection, Border Security
21 Fencing, Infrastructure, and Technology”,
22 \$119,000,000.

23 (3) “Department of Homeland Security, Office
24 of Health Affairs”, \$5,562,000.

1 (4) “Department of Homeland Security, Fed-
2 eral Emergency Management Agency, National
3 Predisaster Mitigation Fund”, \$18,173,641.

4 (5) “Department of Homeland Security,
5 Science and Technology, Research, Development,
6 Acquisition, and Operations”, \$8,500,000.

7 (6) “Department of Homeland Security, Do-
8 mestic Nuclear Detection Office, Research, Develop-
9 ment, and Operations”, \$17,100,000.

10 (7) “Department of Homeland Security, Coast
11 Guard, Acquisition, Construction, and Improve-
12 ments”, \$1,122,000.

13 SEC. 1649. Of the unobligated balances available for
14 “Department of Homeland Security, U.S. Customs and
15 Border Protection, Construction” for construction
16 projects, \$106,556,000 is rescinded: *Provided*, That the
17 amounts rescinded under this section shall be limited to
18 amounts available for Border Patrol projects and facilities
19 as recommended by the Department of Homeland Security
20 in the fiscal year 2011 budget request.

21 SEC. 1650. Of the unobligated balances made avail-
22 able under section 44945 of title 49, United States Code,
23 \$800,000 is rescinded.

24 SEC. 1651. Of the unobligated balances available for
25 “Department of Homeland Security, Transportation Secu-

1 rity Administration”, \$15,000,000 is rescinded. *Provided,*
2 That the Transportation Security Administration shall not
3 rescind any unobligated balances from the following pro-
4 grams: explosives detection systems; checkpoint support;
5 aviation regulation and other enforcement; and air cargo.

6 SEC. 1652. Of the unobligated balances available for
7 “Department of Homeland Security, National Protection
8 and Programs Directorate, Infrastructure Protection and
9 Information Security”, the following amounts are re-
10 scinded:

11 (1) \$6,000,000 from Next Generation Net-
12 works.

13 (2) \$9,600,000 to be specified in a report sub-
14 mitted by the Secretary of Homeland Security to the
15 Committees on Appropriations of the Senate and the
16 House of Representatives no later than 15 days
17 after the date of enactment of this division, that de-
18 scribes the amounts rescinded and the original pur-
19 pose of such funds.

20 SEC. 1653. From the unobligated balances of funds
21 made available in the Department of the Treasury For-
22 feiture Fund established by section 9703 of title 31,
23 United States Code, that was added to such title by sec-
24 tion 638 of Public Law 102-393, \$22,600,000 is re-
25 scinded.

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 \$1,204,240,000: *Provided*, That the amounts included
5 under such heading in division A of Public Law 111–88
6 shall be applied to funds appropriated by this division as
7 follows: by substituting “\$20,945,000” for
8 “\$22,103,000”; and by substituting “\$10,548,000” for
9 “\$11,632,000”.

10 SEC. 1705. Notwithstanding section 1101, the level
11 for “Department of the Interior, United States Fish and
12 Wildlife Service, Construction” shall be \$23,737,000.

13 SEC. 1706. Notwithstanding section 1101, the level
14 for “Department of the Interior, United States Fish and
15 Wildlife Service, Land Acquisition” shall be \$15,055,000:
16 *Provided*, That no less than \$2,500,000 in available, unob-
17 ligated prior-year funds shall be used in addition to
18 amounts provided by this division.

19 SEC. 1707. Of the unobligated amounts under the
20 heading “Department of the Interior, United States Fish
21 and Wildlife Service, Landowner Incentive Program” from
22 prior year appropriations, all remaining amounts are re-
23 scinded.

24 SEC. 1708. Notwithstanding section 1101, the level
25 for “Department of the Interior, United States Fish and

1 Wildlife Service, Cooperative Endangered Species Con-
2 servation Fund” shall be \$2,479,000: *Provided*, That the
3 amounts included under such heading in division A of
4 Public Law 111–88 shall be applied to funds appropriated
5 by this division as follows: by substituting “\$2,479,000”
6 for “\$29,000,000”; by substituting “\$0” for
7 “\$5,145,706”; and by substituting “\$0” for
8 “\$56,000,000”.

9 SEC. 1709. Notwithstanding section 1101, the level
10 for “Department of the Interior, United States Fish and
11 Wildlife Service, North American Wetlands Conservation
12 Fund” shall be \$0.

13 SEC. 1710. Notwithstanding section 1101, the level
14 for “Department of the Interior, United States Fish and
15 Wildlife Service, Neotropical Migratory Bird Conserva-
16 tion” shall be \$4,430,000.

17 SEC. 1711. Notwithstanding section 1101, the level
18 for “Department of the Interior, United States Fish and
19 Wildlife Service, Multinational Species Conservation
20 Fund” shall be \$7,875,000.

21 SEC. 1712. Notwithstanding section 1101, the level
22 for “Department of the Interior, United States Fish and
23 Wildlife Service, State and Tribal Wildlife Grants” shall
24 be \$0.

1 SEC. 1713. Before the end of the 60-day period be-
2 ginning on the date of enactment of this division, the Sec-
3 retary of the Interior shall reissue the final rule published
4 on April 2, 2009 (74 Fed. Reg. 15123 et seq.) without
5 regard to any other provision of statute or regulation that
6 applies to issuance of such rule. Such reissuance (includ-
7 ing this section) shall not be subject to judicial review.

8 SEC. 1714. Notwithstanding section 1101, the level
9 for “Department of the Interior, National Park Service,
10 Operation of the National Park System” shall be
11 \$2,237,674,000.

12 SEC. 1715. Notwithstanding section 1101, the level
13 for “Department of the Interior, National Park Service,
14 Park Partnership Project Grants” shall be \$0 and the
15 matters pertaining to such account in division A of Public
16 Law 111–88 shall not apply to funds appropriated by this
17 division.

18 SEC. 1716. Notwithstanding section 1101, the level
19 for “Department of the Interior, National Park Service,
20 National Recreation and Preservation” shall be
21 \$57,829,000, of which \$0 shall be for projects authorized
22 by section 7302 of Public Law 111–11.

23 SEC. 1717. Notwithstanding section 1101, the level
24 for “Department of the Interior, National Park Service,
25 Historic Preservation Fund” shall be \$54,500,000. *Pro-*

1 *vided*, That the amounts included under such heading in
2 division A of Public Law 111–88 shall be applied to funds
3 appropriated by this division by substituting “\$0” for
4 “\$25,000,000”. *Provided further*, That the proviso under
5 such heading in division A of Public Law 111–88 shall
6 not apply to funds appropriated by this division.

7 SEC. 1718. Notwithstanding section 1101, the level
8 for “Department of the Interior, National Park Service,
9 Construction” shall be \$171,713,000: *Provided*, That the
10 last proviso under such heading in division A of Public
11 Law 111–88 shall not apply to funds appropriated by this
12 division: *Provided further*, That of the unobligated bal-
13 ances available under such heading in division A of Public
14 Law 111–88 and in prior appropriation Acts, \$1,000,000
15 is rescinded from amounts made available for the (now
16 completed) project at Cape Hatteras National Seashore,
17 North Carolina, and \$1,000,000 is rescinded from
18 amounts made available for the (now completed) project
19 at Blue Ridge Parkway, North Carolina, and such unobli-
20 gated balances are reduced accordingly: *Provided further*,
21 That no less than \$23,000,000 in available, unobligated
22 prior-year funds shall be used in addition to amounts pro-
23 vided by this division.

24 SEC. 1719. The contract authority provided for fiscal
25 year 2011 by 16 U.S.C. 4601–10a is rescinded.

1 SEC. 1720. Notwithstanding section 1101, the level
2 for “Department of the Interior, National Park Service,
3 Land Acquisition and State Assistance” shall be
4 \$14,100,000: *Provided*, That the amounts included under
5 such heading in division A of Public Law 111–88 shall
6 be applied to funds appropriated by this division as fol-
7 lows: by substituting “\$0” for “\$40,000,000”; and by sub-
8 stituting “\$0” for “\$9,000,000”: *Provided further*, That
9 no less than \$3,400,000 in available, unobligated prior-
10 year funds shall be used in addition to amounts provided
11 by this division: *Provided further*, That section 113 of divi-
12 sion A of Public Law 111–88 shall not apply to funds ap-
13 propriated by this division.

14 SEC. 1721. Notwithstanding section 1101, the level
15 for “Department of the Interior, United States Geological
16 Survey, Surveys, Investigations, and Research” shall be
17 \$1,086,163,000: *Provided*, That the amounts included
18 under such heading in division A of Public Law 111–88
19 shall be applied to funds appropriated by this division as
20 follows: by substituting “\$53,500,000” for
21 “\$40,150,000”; and by substituting “\$4,807,000” for
22 “\$7,321,000”.

23 SEC. 1722. Notwithstanding section 1101, the level
24 for “Department of the Interior, Minerals Management
25 Service, Royalty and Offshore Minerals Management”

1 shall be ~~\$239,478,000~~. *Provided*, That the amounts in-
2 cluded under such heading in division A of Public Law
3 ~~111–88~~ shall be applied to funds appropriated by this divi-
4 sion as follows: by substituting “\$109,494,000” for
5 “\$89,374,000”; and by substituting “\$154,890,000” for
6 “\$156,730,000” each place it appears.

7 ~~SEC. 1723~~. Notwithstanding section ~~1101~~, the level
8 for “Department of the Interior, Minerals Management
9 Service, Oil Spill Research” shall be \$10,632,000.

10 ~~SEC. 1724~~. During fiscal year 2011, the Secretary
11 of the Interior, in order to implement a reorganization of
12 the Bureau of Ocean Energy Management, Regulation,
13 and Enforcement, may establish accounts and transfer
14 funds among and between the offices and bureaus affected
15 by the reorganization only in conformance with the House
16 and Senate Committees on Appropriations reprogramming
17 guidelines described in the joint explanatory statement of
18 managers accompanying Public Law ~~111–88~~.

19 ~~SEC. 1725~~. Notwithstanding section ~~1101~~, the level
20 for “Department of the Interior, Bureau of Indian Affairs,
21 Operation of Indian Programs” shall be \$2,336,865,000.
22 *Provided*, That the amounts included under such heading
23 in division A of Public Law ~~111–88~~ shall be applied to
24 funds appropriated by this division as follows: by sub-
25 stituting “\$220,000,000” for “\$166,000,000”; by sub-

1 stituting “\$585,779,000” for “\$568,702,000”; and by
2 substituting “\$46,129,000” for “\$43,373,000”.

3 SEC. 1726. Notwithstanding section 1101, the level
4 for “Department of the Interior, Bureau of Indian Affairs,
5 Construction” shall be \$216,100,000.

6 SEC. 1727. 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. 1728. Notwithstanding section 1101, the level
13 for “Department of the Interior, Departmental Offices,
14 Office of the Secretary, Salaries and Expenses” shall be
15 \$117,336,000: *Provided*, That the amounts included under
16 such heading in division A of Public Law 111–88 shall
17 be applied to funds appropriated by this division by sub-
18 stituting “\$10,636,000” for “\$12,136,000”.

19 SEC. 1729. Notwithstanding section 1101, the level
20 for “Department of the Interior, Departmental Offices,
21 Insular Affairs, Assistance to Territories” shall be
22 \$78,516,000: *Provided*, That the amounts included under
23 such heading in division A of Public Law 111–88 shall
24 be applied to funds appropriated by this division as fol-

1 lows: by substituting “\$69,590,000” for “\$75,915,000”;
2 and by substituting “\$8,926,000” for “\$9,280,000”.

3 SEC. 1730. Notwithstanding section 1101, the level
4 for “Department of the Interior, Departmental Offices,
5 Insular Affairs, Compact of Free Association” shall be
6 \$5,422,000: *Provided*, That \$2,104,000 of such funds
7 shall be available for section 122 of division A of Public
8 Law 111–88.

9 SEC. 1731. Notwithstanding section 1101, the level
10 for “Department of the Interior, Departmental Offices,
11 Office of the Solicitor, Salaries and Expenses” shall be
12 \$64,845,000.

13 SEC. 1732. Notwithstanding section 1101, the level
14 for “Department of the Interior, Departmental Offices,
15 Office of Inspector General, Salaries and Expenses” shall
16 be \$48,389,000.

17 SEC. 1733. Notwithstanding section 1101, the level
18 for “Department of the Interior, Departmental Offices,
19 Office of the Special Trustee for American Indians, Fed-
20 eral Trust Programs” shall be \$168,115,000: *Provided*,
21 That the amounts included under such heading in division
22 A of Public Law 111–88, as amended by Public Law 111–
23 212, shall be applied to funds appropriated by this division
24 by substituting “\$31,534,000” for “\$47,536,000”.

1 SEC. 1734. Notwithstanding section 1101, the level
2 for “Department of the Interior, Department-wide Pro-
3 grams, Wildland Fire Management” shall be
4 \$769,897,000: *Provided*, That the amounts included under
5 such heading in division A of Public Law 111–88 shall
6 be applied to funds appropriated by this division by sub-
7 stituting “\$150,000,000” for “\$125,000,000”.

8 SEC. 1735. Notwithstanding section 1101, the level
9 for “Department of the Interior, Department-wide Pro-
10 grams, Natural Resource Damage Assessment and Res-
11 toration, Natural Resource Damage Assessment Fund”
12 shall be \$6,320,000.

13 SEC. 1736. Notwithstanding section 1101, the level
14 for “Department of the Interior, Department-wide Pro-
15 grams, Working Capital Fund” shall be \$80,119,000.

16 SEC. 1737. Notwithstanding section 1101, the level
17 for “Environmental Protection Agency, Science and Tech-
18 nology” shall be \$790,510,000.

19 SEC. 1738. Notwithstanding section 1101, the level
20 for “Environmental Protection Agency, Environmental
21 Programs and Management” shall be \$2,571,099,000 (re-
22 duced by \$8,458,000): *Provided*, That of the funds in-
23 cluded under this heading \$305,784,000 shall be for the
24 Geographic Programs specified in the explanatory state-
25 ment accompanying Public Law 111–88: *Provided further*,

1 That of such amount for Geographic Programs,
2 \$225,000,000 shall be for the Great Lakes Restoration
3 Initiative; \$40,000,000 shall be for Chesapeake Bay; and
4 \$20,000,000 shall be for Puget Sound.

5 SEC. 1739. The matter pertaining to planning and
6 design of a high-performance green building to consolidate
7 the multiple offices and research facilities of the Environ-
8 mental Protection Agency in Las Vegas, Nevada under the
9 heading “Environmental Protection Agency, Buildings
10 and Facilities” in division A of Public Law 111–88 shall
11 not apply to funds appropriated by this division.

12 SEC. 1740. Notwithstanding section 1101, the level
13 for “Environmental Protection Agency, Hazardous Sub-
14 stance Superfund” shall be \$1,273,765,000: *Provided,*
15 That the matter under such heading in division A of Pub-
16 lic Law 111–88 shall be applied to funds appropriated by
17 this division as follows: by substituting “\$1,273,765,000”
18 for “\$1,306,541,000” the second place it appears; by sub-
19 stituting “September 30, 2010” for “September 30,
20 2009”; and by substituting “\$24,527,000” for
21 “\$26,834,000”.

22 SEC. 1741. Notwithstanding section 1101, the level
23 for “Environmental Protection Agency, Leaking Under-
24 ground Storage Tank Trust Fund Program” shall be
25 \$106,101,000, of which \$71,671,000 shall be for carrying

1 out leaking underground storage tank cleanup activities
2 authorized by section 9003(h) of the Solid Waste Disposal
3 Act (42 U.S.C. 6991b(h)).

4 ~~SEC. 1742.~~ Notwithstanding section 1101, the level
5 for “Environmental Protection Agency, State and Tribal
6 Assistance Grants” shall be \$2,716,446,000 (reduced by
7 \$10,000,000): *Provided*, That the amounts included under
8 such heading in division A of Public Law 111–88 shall
9 be applied to funds appropriated by this division as fol-
10 lows: by substituting “\$690,000,000” for
11 “\$2,100,000,000”; by substituting “\$830,000,000” for
12 “\$1,387,000,000”; by substituting “\$10,000,000 (reduced
13 by \$10,000,000)” for “\$17,000,000”; by substituting
14 “\$10,000,000” for “\$13,000,000”; by substituting “\$0”
15 for “\$156,777,000”; by substituting “\$70,000,000” for
16 “\$100,000,000”; by substituting “\$50,000,000” for
17 “\$60,000,000”; by substituting “\$0” for “\$20,000,000”;
18 and by substituting “\$1,056,446,000” for
19 “\$1,116,446,000”.

20 ~~SEC. 1743.~~ The matter pertaining to competitive
21 grants to communities to develop plans and demonstrate
22 and implement projects which reduce greenhouse gas
23 emissions in the second proviso under the heading “Envi-
24 ronmental Protection Agency, State and Tribal Assistance

1 Grants” in division A of Public Law 111–88 shall not
2 apply to funds appropriated by this division.

3 SEC. 1744. Notwithstanding section 1101, the
4 amounts authorized to transfer under the heading “Envi-
5 ronmental Protection Agency, Administrative Provisions,
6 Environmental Protection Agency” in division A of Public
7 Law 111–88 shall be applied to funds appropriated by this
8 division by substituting “\$225,000,000” for
9 “\$475,000,000”.

10 SEC. 1745. Of the unobligated balances available for
11 “Environmental Protection Agency” \$300,000,000 is re-
12 scinded: *Provided*, That the Administrator shall submit to
13 the House and Senate Committees on Appropriations a
14 proposed allocation of amounts by account and program
15 project to rescind 30 days prior to the rescission: *Provided*
16 *further*, That no amounts may be rescinded from amounts
17 that were designated by Congress as an emergency re-
18 quirement pursuant to a concurrent resolution on the
19 budget or the Balanced Budget and Emergency Deficit
20 Control Act of 1985, as amended.

21 SEC. 1746. None of the funds made available to the
22 Environmental Protection Agency by this division or any
23 other Act may be expended for purposes of enforcing or
24 promulgating any regulation (other than with respect to
25 section 202 of the Clean Air Act) or order, taking action

1 relating to, or denying approval of state implementation
2 plans or permits because of the emissions of greenhouse
3 gases due to concerns regarding possible climate change.

4 SEC. 1747. None of the funds made available by this
5 division or any other Act may be used by the Environ-
6 mental Protection Agency to implement, administer, or en-
7 force a change to a rule or guidance document pertaining
8 to the definition of waters under the jurisdiction of the
9 Federal Water Pollution Control Act (33 U.S.C. 1251 et
10 seq.).

11 SEC. 1748. Notwithstanding section 1101, the level
12 for “Department of Agriculture, Forest Service, Forest
13 and Rangeland Research” shall be \$297,252,000: *Pro-*
14 *vided*, That the amounts included under such heading in
15 division A of Public Law 111–88 shall be applied to funds
16 appropriated by this division by substituting
17 “\$61,939,000” for “\$66,939,000”.

18 SEC. 1749. Notwithstanding section 1101, the level
19 for “Department of Agriculture, Forest Service, State and
20 Private Forestry” shall be \$232,680,000: *Provided*, That
21 the amounts included under such heading in division A
22 of Public Law 111–88 shall be applied to funds appro-
23 priated by this division by substituting “\$6,200,000” for
24 “\$76,460,000”: *Provided further*, That no less than

1 \$2,500,000 in available, unobligated prior-year funds shall
2 be used in addition to amounts provided by this division.

3 SEC. 1750. Notwithstanding section 1101, the level
4 for “Department of Agriculture, Forest Service, National
5 Forest System” shall be \$1,525,339,000: *Provided*, That
6 no less than \$10,000,000 in available, unobligated prior-
7 year funds shall be used in addition to amounts provided
8 by this division.

9 SEC. 1751. Notwithstanding section 1101, the level
10 for “Department of Agriculture, Forest Service, Capital
11 Improvement and Maintenance” shall be \$495,409,000:
12 *Provided*, That the amounts included under such heading
13 in division A of Public Law 111–88 shall be applied to
14 funds appropriated by this division by substituting
15 “\$50,371,000” for “\$90,000,000”: *Provided further*, That
16 no less than \$10,000,000 in available, unobligated prior-
17 year funds shall be used in addition to amounts provided
18 by this division.

19 SEC. 1752. Notwithstanding section 1101, the level
20 for “Department of Agriculture, Forest Service, Land Ac-
21 quisition” shall be \$9,100,000: *Provided*, That no less
22 than \$3,400,000 in available, unobligated prior-year funds
23 shall be used in addition to amounts provided by this divi-
24 sion.

1 ~~SEC. 1753.~~ Notwithstanding section 1101, the level
2 for “Department of Agriculture, Forest Service, Wildland
3 Fire Management” shall be ~~\$1,978,737,000~~. *Provided,*
4 That the amounts included under such heading in division
5 A of Public Law 111–88 shall be applied to funds appro-
6 priated by this division by substituting “\$200,000,000”
7 for “\$75,000,000”. *Provided further,* That of the unobli-
8 gated balances available in the FLAME Wildfire Suppres-
9 sion Reserve Fund for the Department of Agriculture ere-
10 ated by section 502(b) of Public Law 111–88 (43 U.S.C.
11 1748a(b)), \$250,000,000 is rescinded.

12 ~~SEC. 1754.~~ The authority provided by section 337 of
13 the Department of the Interior and Related Agencies Ap-
14 propriations Act, 2005 (Public Law 108–447; 118 Stat.
15 3102), as amended, shall remain in effect until September
16 30, 2011.

17 ~~SEC. 1755.~~ Notwithstanding section 1101, the level
18 for “Department of Health and Human Services, Indian
19 Health Service, Indian Health Services” shall be
20 ~~\$3,883,886,000~~. *Provided,* That the amounts included
21 under such heading in division A of Public Law 111–88
22 shall be applied to funds appropriated by this division as
23 follows: by substituting “\$862,765,000” for
24 “\$779,347,000”; by substituting “\$53,000,000” for
25 “\$48,000,000”; and by substituting “\$444,332,000” for

1 “\$398,490,000”: *Provided further*, That of the funds in-
2 cluded under this heading, \$29,211,000 shall be for staff-
3 ing and operating costs of newly constructed facilities.

4 SEC. 1756. Notwithstanding section 1101, the level
5 for “Department of Health and Human Services, Indian
6 Health Service, Indian Health Facilities” shall be
7 \$255,497,000: *Provided*, That no less than \$10,000,000
8 in available, unobligated prior-year funds shall be used in
9 addition to amounts provided by this division.

10 SEC. 1757. Notwithstanding section 1101, the level
11 for “Department of Health and Human Services, National
12 Institutes of Health, National Institute of Environmental
13 Health Sciences” shall be \$77,546,000.

14 SEC. 1758. Notwithstanding section 1101, the level
15 for “Department of Health and Human Services, Agency
16 for Toxic Substances and Disease Registry, Toxic Sub-
17 stances and Environmental Public Health” shall be
18 \$74,039,000.

19 SEC. 1759. Notwithstanding section 1101, the level
20 for “Executive Office of the President, Council on Envi-
21 ronmental Quality and Office of Environmental Quality”
22 shall be \$2,848,000.

23 SEC. 1760. Notwithstanding section 1101, the level
24 for “Chemical Safety and Hazard Investigation Board,
25 Salaries and Expenses” shall be \$10,799,000: *Provided*,

1 That the matter pertaining to methyl isocyanate in the
2 last proviso under such heading in division A of Public
3 Law 111–88 shall not apply to funds appropriated by this
4 division.

5 SEC. 1761. Notwithstanding section 1101, the level
6 for “Smithsonian Institution, Salaries and Expenses”
7 shall be \$634,661,000: *Provided*, That no less than
8 \$200,000 in available, unobligated prior-year funds shall
9 be used in addition to amounts provided by this division.

10 SEC. 1762. Notwithstanding section 1101, the level
11 for “Smithsonian Institution, Facilities Capital” shall be
12 \$123,600,000: *Provided*, That no less than \$1,400,000 in
13 available, unobligated prior-year funds shall be used in ad-
14 dition to amounts provided by this division.

15 SEC. 1763. Notwithstanding section 1101, the level
16 for “Smithsonian Institution, Legacy Fund” shall be \$0.

17 SEC. 1764. Notwithstanding section 1101, the level
18 for “National Gallery of Art, Repair, Restoration and
19 Renovation of Buildings” shall be \$48,221,000: *Provided*,
20 That the amounts included under such heading in division
21 A of Public Law 111–88 shall be applied to funds appro-
22 priated by this division by substituting “\$42,250,000” for
23 “\$40,000,000”.

24 SEC. 1765. Notwithstanding section 1101, the level
25 for “John F. Kennedy Center for the Performing Arts,

1 Operations and Maintenance” shall be \$22,500,000: *Pro-*
2 *vided*, That the proviso under such heading in division A
3 of Public Law 111–88 shall not apply to funds appro-
4 priated by this division.

5 SEC. 1766. Notwithstanding section 1101, the level
6 for “John F. Kennedy Center for the Performing Arts,
7 Capital Repair and Restoration” shall be \$13,920,000.

8 SEC. 1767. Notwithstanding section 1101, the level
9 for “Woodrow Wilson International Center for Scholars,
10 Salaries and Expenses” shall be \$9,844,000.

11 SEC. 1768. Notwithstanding section 1101, the level
12 for “National Foundation on the Arts and the Human-
13 ities, National Endowment for the Arts, Grants and Ad-
14 ministration” shall be \$145,000,000 (reduced by
15 \$20,594,000).

16 SEC. 1769. Notwithstanding section 1101, the level
17 for “National Foundation on the Arts and the Human-
18 ities, National Endowment for the Humanities, Grants
19 and Administration” shall be \$145,000,000: *Provided*,
20 That the amounts included under such heading in division
21 A of Public Law 111–88 shall be applied to funds appro-
22 priated by this division by substituting “\$130,700,000”
23 for “\$153,200,000”.

1 SEC. 1770. Notwithstanding section 1101, the level
2 for “National Capital Arts and Cultural Affairs” shall be
3 \$4,500,000 (reduced by \$4,500,000).

4 SEC. 1771. Notwithstanding section 1101, the level
5 for “Presidio Trust, Presidio Trust Fund” shall be
6 \$15,000,000 (reduced by \$15,000,000).

7 SEC. 1772. Notwithstanding section 1101, the level
8 for “Dwight D. Eisenhower Memorial Commission, Sala-
9 ries and Expenses” shall be \$0.

10 SEC. 1773. Notwithstanding section 1101, the level
11 for “Dwight D. Eisenhower Memorial Commission, Cap-
12 ital Construction” shall be \$0.

13 SEC. 1774. Section 409 of division A of Public Law
14 111–88 (123 Stat. 2957) is amended by striking “and
15 111–8” and inserting “111–8, and 111–88”, and by strik-
16 ing “2009” and inserting “2010”.

17 SEC. 1775. Notwithstanding section 1101, the level
18 for section 415 of division A of Public Law 111–88 shall
19 be \$0.

20 SEC. 1776. Section 433 of division A of Public Law
21 111–88 (123 Stat. 2965) is amended by striking “2010”
22 and “2009” and inserting “2011” and “2010”, respec-
23 tively.

24 SEC. 1777. Not later than 30 days after the date of
25 enactment of this division, each of the following depart-

1 ments and agencies shall submit to the House and Senate
 2 Committees on Appropriations a spending, expenditure, or
 3 operating plan for fiscal year 2011 at a level of detail
 4 below the account level.

5 (1) Department of the Interior.

6 (2) Environmental Protection Agency.

7 (3) Department of Agriculture, Forest Service.

8 (4) Indian Health Service.

9 (5) Council on Environmental Quality.

10 (6) Smithsonian Institution.

11 (7) National Gallery of Art.

12 (8) National Endowment for the Arts.

13 (9) National Endowment for the Humanities.

14 SEC. 1778. None of the funds made available by this
 15 division or any other Act may be used to implement, ad-
 16 minister, or enforce Secretarial Order No. 3310 issued by
 17 the Secretary of the Interior on December 22, 2010.

18 TITLE VIII—LABOR, HEALTH AND HUMAN
 19 SERVICES, EDUCATION, AND RELATED
 20 AGENCIES

21 SEC. 1801. Notwithstanding section 1101, the level
 22 for “Department of Labor, Employment and Training Ad-
 23 ministration, Training and Employment Services” shall be
 24 \$221,699,000: *Provided*, That the amounts included under
 25 such heading in division D of Public Law 111–117 shall

1 be applied to funds appropriated by this division as fol-
2 lows: by substituting “\$0” for each amount included in
3 paragraph (1); by substituting “\$167,538,000” for
4 “\$470,038,000”; by substituting “\$29,160,000” for
5 “\$229,160,000”; by substituting “\$0” for
6 “\$200,000,000”; by substituting “\$0” for
7 “\$102,500,000”; by substituting “\$54,161,000” for
8 “\$389,043,000”; by substituting “\$44,561,000” for
9 “\$93,450,000”; by substituting “\$0” for “\$48,889,000”;
10 by substituting “\$0” for “\$108,493,000”; by substituting
11 “\$0” for “\$40,000,000”; by substituting “\$0” for
12 “\$125,000,000”; and by substituting “\$0” for
13 “\$12,500,000”. *Provided further*, That of the funds made
14 available for dislocated worker employment and training
15 activities under such heading in division D of Public Law
16 111–117, \$65,000,000 is rescinded. *Provided further*,
17 That of the funds made available for dislocated worker
18 employment and training activities under such heading in
19 division D of Public Law 111–117, up to 25 percent may
20 be used for the period April 1, 2011, through September
21 30, 2011, for youth activities.

22 SEC. 1802. (a) Of the unobligated balances available
23 for “Department of Labor, Departmental Management,
24 Office of Job Corps”, \$300,000,000 is rescinded.

1 (b) None of the funds made available by this division
2 or any prior Act may be used to initiate a competition
3 for any new Job Corps center not previously approved by
4 the Secretary of Labor as a Jobs Corps center through
5 a competitive selection process.

6 SEC. 1803. Of the unobligated balances of the funds
7 made available for “Department of Labor, Employment
8 and Training Administration, Training and Employment
9 Services, Federally Administered Programs, Dislocated
10 Workers Assistance National Reserve” in division D of
11 Public Law 111–117, \$100,000,000 is rescinded.

12 SEC. 1804. Of the unobligated balances of the funds
13 made available for “Department of Labor, Employment
14 and Training Administration, Training and Employment
15 Services, National Activities, Evaluation”, \$10,000,000 is
16 rescinded.

17 SEC. 1805. Notwithstanding section 1101, the level
18 for “Department of Labor, Employment and Training Ad-
19 ministration, Community Service Employment for Older
20 Americans” shall be \$300,425,000, and for purposes of
21 funds appropriated by this division, the amounts under
22 such heading in division D of Public Law 111–117 shall
23 be applied by substituting “\$0” for “\$225,000,000”, and
24 the first and second provisos under such heading in such
25 division shall not apply.

1 SEC. 1806. Notwithstanding section 1101, the level
2 for “Department of Labor, Mine Safety and Health Ad-
3 ministration, Salaries and Expenses” shall be
4 \$355,843,000, of which up to \$15,000,000 shall be avail-
5 able to the Secretary of Labor to be transferred to “De-
6 partmental Management, Salaries and Expenses” for ac-
7 tivities related to the Department of Labor’s caseload be-
8 fore the Federal Mine Safety and Health Review Commis-
9 sion, and the amounts included under the heading “De-
10 partment of Labor, Mine Safety and Health Administra-
11 tion, Salaries and Expenses” in division D of Public Law
12 111–117 shall be applied to funds appropriated by this
13 division by substituting “\$0” for “\$1,450,000”.

14 SEC. 1807. Notwithstanding section 1101, the level
15 for “Department of Labor, Departmental Management”
16 shall be \$315,154,000, and the third proviso under such
17 heading in division D of Public Law 111–117 shall not
18 apply to funds appropriated by this division.

19 SEC. 1808. Of the unobligated balances available for
20 “Department of Labor, Working Capital Fund”,
21 \$3,900,000 is permanently rescinded, to be derived solely
22 from amounts available in the Investment in Reinvention
23 Fund (other than amounts that were designated by the
24 Congress as an emergency requirement pursuant to a con-

1 current resolution on the budget or the Balanced Budget
2 and Emergency Deficit Control Act of 1985).

3 SEC. 1809. (a) Notwithstanding section 1101, the
4 level for “Department of Health and Human Services,
5 Health Resources and Services Administration, Health
6 Resources and Services” shall be \$5,313,171,000, of
7 which: (1) not more than \$100,000,000 shall be available
8 until expended for carrying out the provisions of Public
9 Law 104-73 and for expenses incurred by the Department
10 of Health and Human Services pertaining to administra-
11 tive claims made under such law; (2) no funds shall be
12 for the program under title X of the Public Health Service
13 Act (referred to in this title as the “PHS Act”), to provide
14 for voluntary family planning projects; and (3)
15 \$352,835,000 shall be available for health professions pro-
16 grams under titles VII and VIII and section 340G of the
17 PHS Act.

18 (b) The eighteenth, nineteenth, twenty-first, twenty-
19 second, and twenty-fifth provisos under the heading “De-
20 partment of Health and Human Services, Health Re-
21 sources and Services Administration, Health Resources
22 and Services” of division D of Public Law 111-117 shall
23 not apply to funds appropriated by this division.

24 (c) Sections 747(e)(2) and 751(j)(2) of the PHS Act,
25 the proportional funding amounts in paragraphs (1)

1 through (4) of section 756(e) of such Act, and section
2 511(f) of the Social Security Act (42 U.S.C. 711(f)) shall
3 not apply to funds made available by this division for “De-
4 partment of Health and Human Services, Health Re-
5 sources and Services Administration, Health Resources
6 and Services”.

7 (d) For purposes of this section, section 10503(d) of
8 Public Law 111–148 shall be applied as if “, over the fis-
9 cal year 2008 level,” were stricken from such section.

10 SEC. 1810. (a) Notwithstanding section 1101, the
11 level for the first undesignated paragraph under the head-
12 ing “Department of Health and Human Services, Centers
13 for Disease Control and Prevention, Disease Control, Re-
14 search, and Training” shall be \$5,742,989,000, of which:
15 (1) \$750,000,000 shall be derived from funds transferred,
16 pursuant to section 4002(c) of Public Law 111–148, from
17 amounts appropriated by section 4002(b) of such Public
18 Law; (2) no funds shall be available for acquisition of real
19 property, equipment, construction, and renovation of fa-
20 cilities; and (3) \$523,533,000 shall remain available until
21 expended for the Strategic National Stockpile under sec-
22 tion 319F–2 of the PHS Act.

23 (b) The amount included before the first proviso
24 under the heading “Department of Health and Human
25 Services, Centers for Disease Control and Prevention, Dis-

1 ease Control, Research, and Training” of division D of
2 Public Law 111–117 shall be applied to funds appro-
3 priated by this division by substituting “\$0” for
4 “\$20,620,000”.

5 (c) Paragraphs (1) through (3) of section 2821(b) of
6 the PHS Act shall not apply to funds made available by
7 this division.

8 (d) For purposes of this section, section 4002(e) of
9 Public Law 111–148 shall be applied as if “, over the fis-
10 cal year 2008 level,” were stricken from such section.

11 SEC. 1811. (a) Notwithstanding section 1101, the
12 level for “Department of Health and Human Services, Na-
13 tional Institutes of Health, National Institute of Allergy
14 and Infectious Diseases” shall be \$4,214,275,000, and the
15 Director of the National Institutes of Health shall transfer
16 up to \$256,627,000, on a pro rata basis, based on total
17 funding levels, from the other Institutes, Centers, and Of-
18 fice of the Director accounts within the National Institutes
19 of Health Account to “National Institute of Allergy and
20 Infectious Diseases”, and the requirement under “Na-
21 tional Institute of Allergy and Infection Diseases” in divi-
22 sion D of Public Law 111–117 for a transfer from Bio-
23 defense Countermeasures funds shall not apply.

24 (b) Notwithstanding any other provision of this divi-
25 sion, the first proviso under the heading “Department of

1 Health and Human Services, National Institutes of
2 Health, National Institute of Allergy and Infectious Dis-
3 eases” in division D of Public Law 111–117 shall not
4 apply to funds appropriated by this division.

5 SEC. 1812. The amount provided by section 1101 for
6 “Department of Health and Human Services, National In-
7 stitutes of Health” is reduced by \$260,000,000, through
8 a pro rata reduction in all of the Institutes, Centers, and
9 Office of the Director accounts within “Department of
10 Health and Human Services, National Institutes of
11 Health”, based on the total of the projected funding levels
12 for the Non-competing Research Project Grants in fiscal
13 year 2011 for each such Institute, Center, and Office of
14 the Director account. In addition, the Director of the Na-
15 tional Institutes of Health shall ensure that the average
16 of the total cost of Competing Research Project Grants
17 for all of the Institutes, Centers, and Office of the Director
18 accounts within “Department of Health and Human Serv-
19 ices, National Institutes of Health” during fiscal year
20 2011 shall not exceed \$400,000.

21 SEC. 1813. Notwithstanding section 1101, the level
22 for “Department of Health and Human Services, National
23 Institutes of Health, Buildings and Facilities” shall be
24 \$22,700,000.

1 SEC. 1814. (a) Notwithstanding section 1101, the
2 level for “Department of Health and Human Services,
3 Substance Abuse and Mental Health Services Administra-
4 tion, Substance Abuse and Mental Health Services” shall
5 be ~~\$3,202,152,000~~.

6 (b) The amount included before the first proviso
7 under the heading “Department of Health and Human
8 Services, Substance Abuse and Mental Health Services
9 Administration, Substance Abuse and Mental Health
10 Services” in division D of Public Law 111–117 shall be
11 applied to funds appropriated by this division by sub-
12 stituting “\$0” for “\$14,518,000”.

13 (c) The second proviso under the heading “Depart-
14 ment of Health and Human Services, Substance Abuse
15 and Mental Health Services Administration, Substance
16 Abuse and Mental Health Services” of division D of Public
17 Law 111–117 shall not apply to funds appropriated by
18 this division.

19 SEC. 1815. The amount included under the heading
20 “Department of Health and Human Services, Agency for
21 Healthcare Research and Quality, Healthcare Research
22 and Quality” of division D of Public Law 111–117 shall
23 be applied to funds appropriated by this division by sub-
24 stituting “\$372,053,000” for “397,053,000”.

1 SEC. 1816. (a) Notwithstanding section 1101, the
2 level for amounts transferred from the Federal Hospital
3 Insurance Trust Fund and the Federal Supplementary
4 Medical Insurance Trust Fund for “Department of Health
5 and Human Services, Centers for Medicare and Medicaid
6 Services, Program Management” shall be \$3,012,162,000,
7 of which the level for the Research, Demonstration, and
8 Evaluation program shall be \$0.

9 (b) The amount under the third proviso under the
10 heading “Department of Health and Human Services,
11 Centers for Medicare and Medicaid Services, Program
12 Management” in division D of Public Law 111–117 shall
13 be applied to funds appropriated by this division by sub-
14 stituting “\$9,120,000” for “\$65,600,000”.

15 (c) The sixth proviso under the heading “Department
16 of Health and Human Services, Centers for Medicare and
17 Medicaid Services, Program Management” in division D
18 of Public Law 111–117 shall not apply to funds appro-
19 priated by this division.

20 SEC. 1817. (a) Notwithstanding section 1101, the
21 level for “Department of Health and Human Services, Ad-
22 ministration for Children and Families, Low Income
23 Home Energy Assistance” shall be \$4,709,672,000, of
24 which \$4,509,672,000 shall be for payments under sub-
25 sections (b) and (d) of section 2602 of the Low-Income

1 Home Energy Assistance Act of 1981 (42 U.S.C. 8621);
2 and of which \$200,000,000 shall be for payments under
3 subsection (e) of such Act, to be made notwithstanding
4 the designation requirements of such subsection.

5 (b) The second proviso under the heading “Depart-
6 ment of Health and Human Services, Administration for
7 Children and Families, Low Income Home Energy Assist-
8 ance” of division D of Public Law 111–117 shall not apply
9 to funds appropriated by this division.

10 SEC. 1818. Notwithstanding section 1101, the level
11 for “Department of Health and Human Services, Admin-
12 istration for Children and Families, Payments to States
13 for the Child Care and Development Block Grant” shall
14 be \$2,088,081,000, of which no funds shall be for the
15 Child Care Aware toll-free hotline.

16 SEC. 1819. (a) Notwithstanding section 1101, the
17 level for “Department of Health and Human Services, Ad-
18 ministration for Children and Families, Children and
19 Families Services Programs” shall be \$7,796,499,000, of
20 which \$405,000,000 shall be for making payments under
21 the Community Service Block Grant Act (“CSBG Act”),
22 except that such level shall include \$10,000,000 for sec-
23 tion 680(a)(3)(B) of the CSBG Act and \$6,151,783,000
24 shall be for making payments under the Head Start Act.

1 (b) The fourteenth and fifteenth provisos under the
2 heading “Department of Health and Human Services, Ad-
3 ministration for Children and Families, Children and
4 Families Services Programs”² of division D of Public Law
5 111–117 shall not apply to funds appropriated by this di-
6 vision.

7 SEC. 1820. (a) Notwithstanding section 1101, the
8 level for “Department of Health and Human Services, Ad-
9 ministration on Aging, Aging Services Programs” shall be
10 \$1,445,323,000.

11 (b) The first proviso under the heading “Department
12 of Health and Human Services, Administration on Aging,
13 Aging Services Programs”² in division D of Public Law
14 111–117 shall not apply to funds appropriated by this di-
15 vision.

16 (c) None of the funds appropriated by this division
17 for “Department of Health and Human Services, Admin-
18 istration on Aging, Aging Services Programs” shall be
19 used to carry out sections 1701 and 1703 of the PHS
20 Act (with respect to chronic disease self-management ac-
21 tivity grants), except that such funds may be used for nec-
22 essary expenses associated with administering any such
23 grants awarded prior to the date of the enactment of this
24 division.

1 SEC. 1821. Notwithstanding section 1101, the level
2 for “Department of Health and Human Services, Office
3 of the Secretary, General Departmental Management”
4 shall be \$375,938,000. *Provided*, That amounts included
5 under such heading in division D of Public Law 111–117
6 shall be applied to funds appropriated by this division by
7 substituting “\$0” for “\$5,789,000”. *Provided further*,
8 that the third and seventh provisos under such heading
9 in division D of Public Law 111–117 shall not apply to
10 funds appropriated by this division.

11 SEC. 1822. Notwithstanding section 1101, the level
12 for “Department of Health and Human Services, Office
13 of the Secretary, Public Health and Social Services Emer-
14 gency Fund” shall be \$708,510,000, of which
15 \$65,578,000 shall be for expenses necessary to prepare for
16 and respond to an influenza pandemic, none of which shall
17 be available past September 30, 2011, and \$35,000,000
18 shall be for expenses necessary for fit-out and other costs
19 related to a competitive lease procurement to renovate or
20 replace the existing headquarters building for Public
21 Health Service agencies and other components of the De-
22 partment of Health and Human Services. *Provided*, That
23 in addition, \$318,000,000 of the funds transferred to the
24 account under the heading “Department of Health and
25 Human Services, Office of the Secretary, Public Health

1 and Social Services Emergency Fund” in Public Law 111-
2 117 under the fourth paragraph under such heading may
3 be used to support advanced research and development
4 pursuant to section 319L of the PHS Act and other ad-
5 ministrative expenses of the Biomedical Advanced Re-
6 search and Development Authority: *Provided further*, That
7 no funds shall be made available to the United States
8 Postal Service for the delivery of medical counter-
9 measures.

10 SEC. 1823. Of the funds made available for “Depart-
11 ment of Health and Human Services, Office of the Sec-
12 retary, Public Health and Social Services Emergency
13 Fund” in Public Law 111-32, \$1,397,439,000 is re-
14 scinded.

15 SEC. 1824. (a) Notwithstanding section 1101, the
16 level for “Department of Education, Education for the
17 Disadvantaged” shall be \$3,994,365,000 (reduced by
18 \$336,550,000), of which \$3,944,530,000 (reduced by
19 \$336,550,000) shall become available on July 1, 2011,
20 and remain available through September 30, 2012 (in ad-
21 dition to the \$10,841,176,000 previously appropriated
22 under such heading that became available on October 1,
23 2010), and an additional \$10,841,176,000 to remain
24 available through September 30, 2012, shall be available
25 on October 1, 2011, for academic year 2011-2012: *Pro-*

1 ~~vided~~, That of the amounts available for such heading: (1)
2 \$6,405,844,000 shall be for basic grants under section
3 1124 of the Elementary and Secondary Education Act of
4 1965 (“ESEA”); (2) \$1,365,031,000 shall be for con-
5 centration grants under section 1124A of the ESEA; (3)
6 \$3,014,000,000 shall be for targeted grants under section
7 1125 of the ESEA; (4) \$3,014,000,000 shall be for edu-
8 cation finance incentive grants under section 1125A of the
9 ESEA.

10 (b) The tenth, eleventh and twelfth provisos under
11 the heading “Department of Education, Education for the
12 Disadvantaged” in division D of Public Law 111–117
13 shall not apply to funds appropriated by this division.

14 (c) Of the unobligated balances available for “Depart-
15 ment of Education, Education for the Disadvantaged” in
16 division D of Public Law 111–117, \$189,000,000 is re-
17 scinded, to be derived from the amounts specified under
18 such heading for availability under section 1502 of the
19 ESEA.

20 SEC. 1825. (a) Notwithstanding section 1101, the
21 level for “Department of Education, School Improvement
22 Programs” shall be \$3,066,967,000 (reduced by
23 \$500,000,000), of which \$2,978,515,000 (reduced by
24 \$500,000,000) shall become available on July 1, 2011,
25 and remain available through September 30, 2012 (in ad-

dition to the \$1,681,441,000 previously appropriated under such heading that became available on October 1, 2010), and an additional \$1,681,441,000, to remain available through September 30, 2012, shall be available on October 1, 2011, for academic year 2011–2012: *Provided*, That of the amounts available for such heading: (1) \$7,463,000 shall be available to carry out subpart 6 of part D of title V of the ESEA; and (2) no funds shall be available for activities authorized under part B of title H, part D of title H, or subpart 9 of part D of title V of the ESEA, or part Z of title VIII of the Higher Education Act of 1965.

(b) The first, second, third, fourth, fifth, sixth, eighth, twelfth and thirteenth provisos under the heading “Department of Education, School Improvement Programs” in division D of Public Law 111–117 shall not apply to funds appropriated by this division.

SEC. 1826. (a) Notwithstanding section 1101, the level for “Department of Education, Innovation and Improvement” shall be \$885,786,000, and no funds shall be available for activities authorized under subpart 5 of part A of title H, part D of title H, part D of title V, or section 1504 of the ESEA, or part F of title VIII of the Higher Education Act of 1965.

1 (b) The first, second, third, fourth, fifth, seventeenth
2 and eighteenth provisos under the heading “Department
3 of Education, Innovation and Improvement” in division D
4 of Public Law 111–117 shall not apply to funds appro-
5 priated by this division.

6 SEC. 1827. (a) Notwithstanding section 1101, the
7 level for “Department of Education, Safe Schools and
8 Citizenship Education” shall be \$191,341,000, of which
9 no funds shall be available for activities authorized under
10 subpart 3 of part C of title II or subpart 2, 3, or 10 of
11 part D of title V of the ESEA.

12 (b) The first, second, and third provisos under the
13 heading “Department of Education, Safe Schools and
14 Citizenship Education” in division D of Public Law 111–
15 117 shall not apply to funds appropriated by this division.

16 SEC. 1828. (a) Notwithstanding section 1101, the
17 level for “Department of Education, Special Education”
18 shall be \$3,414,870,000 (increased by \$557,700,000), of
19 which \$3,168,654,000 (increased by \$557,700,000) shall
20 become available on July 1, 2011, and remain available
21 through September 30, 2012 (in addition to the
22 \$8,592,383,000 previously appropriated under such head-
23 ing that became available on October 1, 2010), and an
24 additional \$8,592,383,000, to remain available through

1 September 30, 2012, shall be available on October 1,
2 2011, for academic year 2011–2012.

3 (b) The first and second provisos under the heading
4 “Department of Education, Special Education” in division
5 D of Public Law 111–117 shall not apply to funds appro-
6 priated by this division.

7 SEC. 1829. (a) Notwithstanding section 1101, the
8 level for “Department of Education, Rehabilitation Serv-
9 ices and Disability Research” shall be \$3,453,388,000.

10 (b) The second proviso under the heading “Depart-
11 ment of Education, Rehabilitation Services and Disability
12 Research” in division D of Public Law 111–117 shall not
13 apply to funds appropriated by this division.

14 SEC. 1830. (a) Notwithstanding section 1101, the
15 level for “Department of Education, Career, Technical,
16 and Adult Education” shall be \$1,017,338,000, to become
17 available on July 1, 2011, and remain available through
18 September 30, 2012 (in addition to the \$791,000,000 pre-
19 viously appropriated under such heading that became
20 available on October 1, 2010), and an additional
21 \$791,000,000 to remain available through September 30,
22 2012, shall be available on October 1, 2011, for academic
23 year 2011–2012: *Provided*, That of the amounts available
24 for such heading, no funds shall be available for activities
25 authorized under subpart 4 of part D of title V of the

1 ESEA, or part D of title VIII of the Higher Education
2 Amendments of 1998.

3 (b) The first, second, third, seventh and eighth pro-
4 visos under the heading “Department of Education, Ca-
5 reer, Technical, and Adult Education” in division D of
6 Public Law 111–117 shall not apply to funds appropriated
7 by this division.

8 SEC. 1831. Notwithstanding section 1101, the level
9 for “Department of Education, Student Financial Assist-
10 ance” shall be \$18,475,492,000, of which
11 \$17,495,000,000 shall be available to carry out subpart
12 1 of part A of title IV of the Higher Education Act of
13 1965 and \$980,492,000 shall be available to carry out
14 part C of title IV of the Higher Education Act of 1965.
15 The maximum Pell grant for which a student shall be eli-
16 gible during award year 2011–2012 shall be \$4,015.

17 SEC. 1832. Of the unobligated balances of funds
18 made available in subparagraphs (A) through (E) of sec-
19 tion 401A(c)(1) of the Higher Education Act of 1965,
20 \$986,433,851 is rescinded.

21 SEC. 1833. (a) Notwithstanding section 1101, the
22 level for “Department of Education, Higher Education”
23 shall be \$1,690,285,000, of which no funds shall be avail-
24 able for activities authorized under part A of title II, part
25 B of title VII or subpart 1 of part D of title VII of the

1 Higher Education Act of 1965, section 1543 of the Higher
2 Education Amendments of 1992, part H of title VIII of
3 the Higher Education Amendments of 1998, part I of sub-
4 title A of title VI of the America COMPETES Act, or
5 section 117 of the Carl D. Perkins Career and Technical
6 Education Act of 2006.

7 (b) The fifth, sixth, seventh, eighth, ninth, tenth,
8 eleventh, twelfth, thirteenth and fourteenth provisos under
9 the heading “Department of Education, Higher Edu-
10 cation” in division D of Public Law 111–117 shall not
11 apply to funds appropriated by this division.

12 SEC. 1834. Notwithstanding section 1101, the level
13 for “Department of Education, Institute of Education
14 Sciences” shall be \$530,106,000.

15 SEC. 1835. Notwithstanding section 1101, the level
16 for “Corporation for National and Community Service,
17 Operating Expenses” shall be \$0.

18 SEC. 1836. Notwithstanding section 1101, the level
19 for “Corporation for National and Community Service,
20 National Service Trust” shall be \$50,000,000.

21 SEC. 1837. Notwithstanding section 1101, the level
22 for “Corporation for National and Community Service,
23 Salaries and Expenses” shall be \$68,000,000.

24 SEC. 1838. (a) Of the funds made available for “Cor-
25 poration for Public Broadcasting” in title IV of division

1 F of Public Law 111-8, the unobligated balance is re-
2 scinded.

3 (b) The amounts included under the heading “Cor-
4 poration for Public Broadcasting” in division D of Public
5 Law 111-117 shall be applied to funds appropriated by
6 this division as follows: by substituting “\$0” for
7 “\$86,000,000”; by substituting “\$0” for “\$25,000,000”;
8 by substituting “\$0” for “\$36,000,000”; and by sub-
9 stituting “\$0” for “\$25,000,000”.

10 SEC. 1839. Notwithstanding section 1101, the level
11 for “Institute of Museum and Library Services, Office of
12 Museum and Library Services, Grants and Administra-
13 tion” shall be \$265,869,000.

14 SEC. 1840. Notwithstanding section 1101, the level
15 for “Medicare Payment Advisory Commission, Salaries
16 and Expenses” shall be \$12,450,000.

17 SEC. 1841. Notwithstanding section 1101, the level
18 for “National Labor Relations Board, Salaries and Ex-
19 penses” shall be \$233,400,000.

20 SEC. 1842. Notwithstanding section 1101, the level
21 for “Railroad Retirement Board, Dual Benefits Payments
22 Account” shall be \$57,000,000.

23 SEC. 1843. Notwithstanding section 1101, the level
24 for “Social Security Administration, Payments to Social
25 Security Trust Funds” shall be \$21,404,000, and in addi-

1 tion such funds may be used to carry out section 217(g)
2 of the Social Security Act.

3 SEC. 1844. Notwithstanding section 1101, the level
4 for the first paragraph under the heading “Social Security
5 Administration, Limitation on Administrative Expenses”
6 shall be \$10,675,500,000.

7 SEC. 1845. Notwithstanding section 1101, the level
8 for the first paragraph under the heading “Social Security
9 Administration, Supplemental Security Income Program”
10 shall be \$39,892,164,000, of which \$3,402,164,000 shall
11 be for administrative expenses.

12 SEC. 1846. Of the funds appropriated for “Social Se-
13 curity Administration, Limitation on Administrative Ex-
14 penses” for fiscal years 2010 and prior years (other than
15 funds appropriated in Public Law 111–5) for investment
16 in information technology and telecommunications hard-
17 ware and software infrastructure, \$500,000,000 is re-
18 scinded.

19 SEC. 1847. Notwithstanding section 1101, and sec-
20 tion 505 of division D of Public Law 111–117, section
21 505 of division F of Public Law 111–8 shall apply to
22 funds appropriated by this division.

23 SEC. 1848. Notwithstanding section 1101, the level
24 for “Department of Labor, Occupational Safety and
25 Health Administration, Salaries and Expenses” shall be

1 \$459,653,000, of which \$138,928,000 shall be for compli-
2 ance assistance programs: *Provided*, That the amounts in-
3 cluded under such heading in division D of Public Law
4 111-117 shall be applied to funds appropriated by this
5 Act by substituting “\$89,502,000” for “\$104,393,000”.

6 SEC. 1849. Notwithstanding section 1101, the level
7 for “Department of Health and Human Services, National
8 Institutes of Health, Office of the Director” shall be
9 \$1,128,800,000, and the fifth proviso under such heading
10 in division D of Public Law 111-117 shall be applied to
11 funds appropriated by this Act by substituting
12 “\$495,609,000” for “\$544,109,000”.

13 SEC. 1850. The amount provided by section 1101 for
14 “Department of Health and Human Services, National In-
15 stitutes of Health” is reduced by \$639,463,000 through
16 a pro rata reduction in all of the Institutes, Centers, and
17 Office of the Director accounts within “Department of
18 Health and Human Services, National Institutes of
19 Health”, based on the total funding levels for each such
20 Institute, Center, and Office of the Director accounts (ex-
21 cluding the Common Fund). In addition, the Director of
22 the National Institutes of Health shall ensure at least a
23 total of 9,000 new competing research grants are awarded
24 in fiscal year 2011 from all Institutes, Centers, and Office
25 of the Director accounts within the “Department of

1 Health and Human Services, National Institutes of
2 Health”.

3 SEC. 1851. Of the unobligated balances available for
4 “Department of Health and Human Services, Administra-
5 tion for Children and Families, Refugee and Entrant As-
6 sistance” in division D of Public Law 111-117,
7 \$77,000,000 is rescinded.

8 TITLE IX—LEGISLATIVE BRANCH

9 SEC. 1901. Notwithstanding section 1101, the level
10 for “House of Representatives, Salaries and Expenses”
11 shall be \$1,288,299,072 (reduced by \$1,500,000).

12 SEC. 1902. Notwithstanding section 1101, the level
13 for “House of Representatives, House Leadership Offices”
14 shall be \$24,861,969, and the levels under that heading
15 shall be as follows:

16 (1) For the Office of the Speaker, \$4,877,851.

17 (2) For the Office of the Majority Floor Lead-
18 er, \$2,432,808.

19 (3) For the Office of the Minority Floor Lead-
20 er, \$4,378,238.

21 (4) For the Office of the Majority Whip,
22 \$2,105,373.

23 (5) For the Office of the Minority Whip,
24 \$1,628,873.

1 (6) For the Speaker's Office for Legislative
2 Floor Activities, \$497,619.

3 (7) For the Republican Steering Committee,
4 \$940,674.

5 (8) For the Republican Conference, \$1,679,970.

6 (9) For the Republican Policy Committee,
7 \$344,485.

8 (10) For the Democratic Steering and Policy
9 Committee, \$1,319,273.

10 (11) For the Democratic Caucus, \$1,659,696.

11 (12) For nine minority employees, \$1,487,455.

12 (13) For the training and program develop-
13 ment—majority, \$277,807.

14 (14) For the training and program develop-
15 ment—minority, \$277,439.

16 (15) For Cloakroom Personnel—majority,
17 \$477,469.

18 (16) For Cloakroom Personnel—minority,
19 \$476,939.

20 SEC. 1903. Notwithstanding section 1101, the level
21 for "House of Representatives, Members' Representa-
22 tional Allowances" shall be \$613,052,000.

23 SEC. 1904. Notwithstanding section 1101, the level
24 for "House of Representatives, Committee Employees,
25 Standing Committees, Special and Select" shall be

1 ~~\$132,449,103~~, the period of applicability referred to in the
2 proviso under that heading shall be December 31, 2012,
3 and none of the funds made available under that heading
4 may be used for committee room upgrading.

5 SEC. 1905. Notwithstanding section 1101, the level
6 for “House of Representatives, Committee on Appropria-
7 tions” shall be \$28,483,000, and the period of applica-
8 bility referred to in the proviso under that heading shall
9 be December 31, 2012.

10 SEC. 1906. Notwithstanding section 1101, the level
11 for “House of Representatives, Salaries, Officers and Em-
12 ployees” shall be \$184,386,000, and the level under that
13 heading—

14 (1) for the Office of the Clerk shall be
15 \$26,568,000;

16 (2) for the Office of the Sergeant at Arms shall
17 be \$8,221,000; and

18 (3) for the Office of the Chief Administrative
19 Officer shall be \$121,676,000.

20 SEC. 1907. Notwithstanding section 1101, the level
21 for “House of Representatives, Allowances and Expenses”
22 shall be \$305,067,000, and the level under that heading—

23 (1) for employee tuition assistance benefit pay-
24 ments shall be \$0;

1 (2) for employee child care benefit payments
2 shall be \$0;

3 (3) for Business Continuity and Disaster Re-
4 covery shall be \$17,000,000, of which \$5,000,000
5 shall remain available until expended;

6 (4) for the Wounded Warrior Program shall be
7 \$2,000,000; and

8 (5) for Energy Demonstration Projects shall be
9 \$0.

10 SEC. 1908. Notwithstanding section 1101, the level
11 for “Joint Items, Joint Economic Committee” shall be
12 \$4,364,500.

13 SEC. 1909. Notwithstanding section 1101, the level
14 for “Joint Items, Joint Committee on Taxation” shall be
15 \$10,551,150.

16 SEC. 1910. Notwithstanding section 1101, the level
17 for “Capitol Police, Salaries” shall be \$277,688,000.

18 SEC. 1911. Notwithstanding section 1101, the level
19 for “Office of Compliance, Salaries and Expenses” shall
20 be \$4,085,150.

21 SEC. 1912. Notwithstanding section 1101, the level
22 for “Congressional Budget Office, Salaries and Expenses”
23 shall be \$42,761,000.

24 SEC. 1913. (a) Except as provided in subsection (b),
25 notwithstanding section 1101, the level and period of

1 availability for each item under the heading “Architect of
2 the Capitol” shall be determined in accordance with an
3 allocation plan submitted by the Architect of the Capitol
4 and approved by the Committees on Appropriations of the
5 House of Representatives and Senate, except that—

6 (1) the aggregate level for all items under that
7 heading may not exceed \$498,491,000; and

8 (2) no amounts may remain available for any
9 item under such plan beyond September 30, 2015.

10 (b) Subsection (a) does not apply to “Architect of the
11 Capitol, Senate Office Buildings”.

12 SEC. 1914. Notwithstanding section 1101, the level
13 for “Library of Congress, Salaries and Expenses” shall
14 be \$417,189,000, the amount applicable under the fourth
15 proviso under that heading shall be \$4,815,000, and the
16 amount applicable under the fifth and seventh provisos
17 under that heading shall be \$0.

18 SEC. 1915. Notwithstanding section 1101, the level
19 for “Library of Congress, Copyright Office, Salaries and
20 Expenses” shall be \$52,914,670, of which not more than
21 \$33,751,000, to remain available until expended, shall be
22 derived from collections credited to such appropriation
23 during fiscal year 2011 under section 708(d) of title 17,
24 United States Code, and the amount applicable under the
25 third proviso under such heading shall be \$34,612,000.

1 SEC. 1916. Notwithstanding section 1101, the level
2 for “Library of Congress, Congressional Research Service,
3 Salaries and Expenses” shall be \$107,309,000.

4 SEC. 1917. Notwithstanding section 1101, the level
5 for “Library of Congress, Books for the Blind and Phys-
6 ically Handicapped, Salaries and Expenses” shall be
7 \$66,124,000.

8 SEC. 1918. Notwithstanding section 1101, the level
9 for “Government Printing Office, Government Printing
10 Office Revolving Fund” shall be \$1,659,000.

11 SEC. 1919. Notwithstanding section 1101, the level
12 for “Government Printing Office, Office of Superintendent
13 of Documents, Salaries and Expenses” shall be
14 \$39,911,000.

15 SEC. 1920. (a) Section 309(e) of the Legislative
16 Branch Appropriations Act, 1999 (44 U.S.C. 305 note)
17 is amended by striking paragraph (5).

18 (b) The amendment made by subsection (a) shall take
19 effect as if included in the enactment of the Legislative
20 Branch Appropriations Act, 1999.

21 SEC. 1921. Notwithstanding section 1101, the level
22 for “Government Accountability Office, Salaries and Ex-
23 penses” shall be \$522,823,000, the amount applicable
24 under the first proviso under that heading shall be
25 \$9,400,000, the amount applicable under the second pro-

1 visé under that heading shall be \$3,100,000, and the
2 amount applicable under the third proviso under that
3 heading shall be \$7,000,000.

4 ~~SEC. 1922.~~ Notwithstanding section 1101, the level
5 for “Open World Leadership Center Trust Fund” shall
6 be \$5,100,000.

7 ~~SEC. 1923.~~ Notwithstanding section 1101, the level
8 for “John C. Stennis Center for Public Service Training
9 and Development” shall be \$0.

10 ~~TITLE X—MILITARY CONSTRUCTION,~~
11 ~~VETERANS AFFAIRS, AND RELATED AGENCIES~~

12 ~~SEC. 2001.~~ Notwithstanding section 1101, the level
13 for each of the following accounts of the Department of
14 Defense, excluding funds designated by section 1110 of
15 this division, shall be as follows: “Military Construction,
16 Army”, \$3,904,998,000; “Military Construction, Navy
17 and Marine Corps”, \$3,516,173,000; “Military Construc-
18 tion, Air Force”, \$1,214,295,000; and “Military Construc-
19 tion, Defense-Wide”, \$2,964,062,000.

20 ~~SEC. 2002.~~ Notwithstanding section 1101, the level
21 for each of the following accounts of the Department of
22 Defense shall be as follows: “Military Construction, Army
23 National Guard”, \$873,664,000; “Military Construction,
24 Air National Guard”, \$194,986,000; “Military Construc-
25 tion, Army Reserve”, \$318,175,000; “Military Construc-

1 tion, Navy Reserve”, \$61,557,000; and “Military Con-
2 struction, Air Force Reserve”, \$7,832,000.

3 SEC. 2003. Notwithstanding section 1101, the level
4 for each of the following accounts of the Department of
5 Defense shall be as follows: “Family Housing Construc-
6 tion, Army”, \$92,369,000; “Family Housing Construc-
7 tion, Navy and Marine Corps”, \$186,444,000; “Family
8 Housing Construction, Air Force”, \$78,025,000; “Family
9 Housing Construction, Defense-Wide”, \$0; and “Family
10 Housing Improvement Fund”, \$1,096,000.

11 SEC. 2004. Notwithstanding section 1101, the level
12 for each of the following accounts of the Department of
13 Defense shall be as follows: “North Atlantic Treaty Orga-
14 nization Security Investment Program”, \$258,884,000;
15 “Homeowners Assistance Fund”, \$16,515,000; “Chemical
16 Demilitarization Construction, Defense-Wide”,
17 \$124,971,000; “Department of Defense Base Closure Ac-
18 count 1990”, \$360,474,000; and “Department of Defense
19 Base Closure Account 2005”, \$2,354,285,000.

20 SEC. 2005. Notwithstanding section 1101, the level
21 for each of the following accounts of the Department of
22 Defense shall be as follows: “Family Housing Operation
23 and Maintenance, Army”, \$518,140,000; “Family Hous-
24 ing Operation and Maintenance, Navy and Marine Corps”,
25 \$366,346,000; “Family Housing Operation and Mainte-

1 nance, Air Force”, \$513,792,000; and “Family Housing
2 Operation and Maintenance, Defense-Wide”,
3 \$50,464,000.

4 SEC. 2006. Notwithstanding any other provision of
5 this division, the following provisions included in title I
6 of division E of Public Law 111–117 shall not apply to
7 funds made available by this division: the first, second,
8 and last provisos, and the set-aside of \$350,000,000,
9 under the heading “Military Construction, Army”; the
10 first and last provisos under the heading “Military Con-
11 struction, Navy and Marine Corps”; the first, second, and
12 last provisos under the heading “Military Construction,
13 Air Force”; the second, third, fourth, and last provisos
14 under the heading “Military Construction, Defense-Wide”,
15 the first, second and last provisos, and the set-aside of
16 \$30,000,000, under the heading “Military Construction,
17 Army National Guard”; the first, second, and last pro-
18 visos, and the set-aside of \$30,000,000, under the heading
19 “Military Construction, Air National Guard”; the first,
20 second, and last provisos, and the set-aside of
21 \$30,000,000, under the heading “Military Construction,
22 Army Reserve”; the first, second, and last provisos, the
23 set-aside of \$20,000,000, and the set-aside of
24 \$35,000,000, under the heading “Military Construction,
25 Navy Reserve”; the first, second, and last provisos, and

1 the set-aside of \$55,000,000, under the heading “Military
2 Construction, Air Force Reserve”; the proviso under the
3 heading “Family Construction, Army”; the proviso under
4 the heading “Family Housing Construction, Navy and
5 Marine Corps”; the proviso under the heading “Family
6 Housing Construction ; Air Force”; the proviso under the
7 heading “Family Housing Construction, Defense-Wide”;
8 and the proviso under the heading “Chemical Demili-
9 tarization Construction, Defense-Wide”.

10 SEC. 2007. Notwithstanding section 1101, the level
11 for “Department of Veterans Affairs, Departmental Ad-
12 ministration, General Operating Expenses” shall be
13 \$2,546,276,000, of which not less than \$2,148,776,000
14 shall be for the Veterans Benefits Administration.

15 SEC. 2008. Notwithstanding section 1101, the level
16 for “Department of Veterans Affairs, Departmental Ad-
17 ministration, Information Technology Systems” shall be
18 \$3,146,898,000.

19 SEC. 2009. Notwithstanding section 1101, the level
20 for “Department of Veterans Affairs, Departmental Ad-
21 ministration, Construction, Major Projects” shall be
22 \$1,151,036,000: *Provided*, That not later than 30 days
23 after the date of the enactment of this section, the Sec-
24 retary of Veterans Affairs shall submit to the Committees
25 on Appropriations of the House of Representatives and the

1 Senate a spending plan for fiscal year 2011 at a level of
2 detail below the account level: *Provided further*, That the
3 last proviso included in title I of division E of Public Law
4 111–117 under the heading “Department of Veterans Af-
5 fairs, Departmental Administration, Construction, Major
6 Projects” shall not apply to funds appropriated by this
7 division.

8 SEC. 2010. Notwithstanding section 1101, the level
9 for “Department of Veterans Affairs, Departmental Ad-
10 ministration, Construction, Minor Projects” shall be
11 \$467,700,000.

12 SEC. 2011. Notwithstanding section 1101, the level
13 for “Department of Veterans Affairs, Departmental Ad-
14 ministration, Grants for Construction of State Extended
15 Care Facilities” shall be \$85,000,000.

16 SEC. 2012. Notwithstanding section 1101, the level
17 for “Armed Forces Retirement Home, Trust Fund” shall
18 be \$71,200,000, of which \$2,000,000 shall be for con-
19 struction and renovation of physical plants.

20 SEC. 2013. Notwithstanding any other provision of
21 this division, the following provisions included in title IV
22 of division E of Public Law 111–117 shall not apply to
23 funds appropriated by this division: the proviso under
24 “Military Construction, Army” and the proviso under
25 “Military Construction, Air Force”.

1 SEC. 2014. Of the funds made available for “Military
2 Construction, Defense-Wide” in title I of division E of
3 Public Law 110–329, \$23,000,000 is rescinded.

4 SEC. 2015. Of the funds made available for “Military
5 Construction, Defense-Wide” in title I of division E of
6 Public Law 111–117, \$125,500,000 is rescinded.

7 SEC. 2016. Of the funds made available for “Military
8 Construction, Army” in title I of division E of Public Law
9 111–117, \$160,000,000 is rescinded.

10 SEC. 2017. Of the funds made available for “Military
11 Construction, Navy and Marine Corps” in title I of divi-
12 sion E of Public Law 111–117, \$34,000,000 is rescinded.

13 SEC. 2018. Of the funds made available for “Military
14 Construction, Air Force” in title I of division E of Public
15 Law 111–117, \$87,000,000 is rescinded.

16 SEC. 2019. Of the unobligated balances available for
17 “Department of Defense Base Closure Account 2005”
18 from prior appropriations (other than appropriations des-
19 igned by law as being for contingency operations directly
20 related to the global war on terrorism or as an emergency
21 requirement), \$200,000,000 is rescinded.

22 SEC. 2020. Of the funds designated by section 1110
23 of this division, funds available for the Department of De-
24 fense shall be as follows: “Military Construction, Army”,
25 \$929,994,000; “Military Construction, Air Force”,

1 ~~\$280,506,000; and “Military Construction, Defense-~~
2 ~~Wide”, \$46,500,000.~~

3 ~~SEC. 2021.~~ The levels for each of the following ac-
4 counts for fiscal year 2012 shall be as follows:

5 (1) ~~“Department of Veterans Affairs, Medical~~
6 ~~Services”, \$39,649,985,000, which shall become~~
7 ~~available on October 1, 2011, and shall remain avail-~~
8 ~~able until September 30, 2012.~~

9 (2) ~~“Department of Veterans Affairs, Medical~~
10 ~~Support and Compliance”, \$5,535,000,000, which~~
11 ~~shall become available on October 1, 2011, and shall~~
12 ~~remain available until September 30, 2012.~~

13 (3) ~~“Department of Veterans Affairs, Medical~~
14 ~~Facilities” in the amount of \$5,426,000,000, which~~
15 ~~shall become available on October 1, 2011, and shall~~
16 ~~remain available until September 30, 2012.~~

17 ~~SEC. 2022.~~ Of the amounts appropriated to the De-
18 partment of Veterans Affairs for fiscal year 2011 for
19 ~~“Medical services”, “Medical support and compliance”,~~
20 ~~“Medical facilities”, “Construction, minor projects”, and~~
21 ~~“Information technology systems”, up to \$235,360,000,~~
22 ~~plus reimbursements, may be transferred to the Joint De-~~
23 ~~partment of Defense-Department of Veterans Affairs~~
24 ~~Medical Facility Demonstration Fund, established by sec-~~
25 ~~tion 1704 of title XVII of division A of Public Law 111-~~

1 84 and may be used for operation of the facilities des-
2 ignated as a combined Federal medical facility as de-
3 scribed by section 706 of Public Law 110-417: *Provided,*
4 That additional funds may be transferred from accounts
5 designated in this section to the Joint Department of De-
6 fense-Department of Veterans Affairs Medical Facility
7 Demonstration Fund upon written notification by the Sec-
8 retary of Veterans Affairs to the Committees on Appro-
9 priations of both Houses of Congress.

10 ~~SEC. 2023.~~ Such sums as may be deposited to the
11 Medical Care Collections Fund pursuant to section 1729A
12 of title 38, United States Code, for health care provided
13 at facilities designated as a combined Federal medical fa-
14 cility as described by section 706 of Public Law 110-417
15 shall also be available: (1) for transfer to the Joint De-
16 partment of Defense-Department of Veterans Affairs
17 Medical Facility Demonstration Fund, established by sec-
18 tion 1704 of Public Law 111-84; and (2) for operations
19 of the facilities designated as a combined Federal medical
20 facility as described by section 706 of Public Law 110-
21 417.

22 ~~SEC. 2024.~~ Of the funds made available for “Depart-
23 ment of Veterans Affairs, Departmental Administration,
24 Information technology systems” in division E of Public
25 Law 111-117, \$117,000,000 is rescinded.

1 TITLE XI—STATE, FOREIGN OPERATIONS, AND
2 RELATED PROGRAMS

3 SEC. 2101. For purposes of this title, the term “divi-
4 sion F of Public Law 111-117” means the Department
5 of State, Foreign Operations, and Related Programs Ap-
6 propriations Act, 2010 (division F of Public Law 111-
7 117).

8 SEC. 2102. Notwithstanding section 1101, the level
9 for each of the following accounts shall be as follows: “Ad-
10 ministration of Foreign Affairs, Diplomatic and Consular
11 Programs”, \$8,383,460,000, of which \$1,491,041,000 is
12 for Worldwide Security Protection (to be available until
13 expended); “Administration of Foreign Affairs, Office of
14 Inspector General”, \$94,000,000; “Administration of For-
15 eign Affairs, Capital Investment Fund”, \$59,575,000;
16 “Administration of Foreign Affairs, Emergencies in the
17 Diplomatic and Consular Service”, \$9,400,000; “Adminis-
18 tration of Foreign Affairs, Representation Allowances”,
19 \$7,685,000; “Administration of Foreign Affairs, Payment
20 to the American Institute in Taiwan”, \$19,904,000; “Ad-
21 ministration of Foreign Affairs, Civilian Stabilization Ini-
22 tiative”, \$40,000,000; and “Administration of Foreign Af-
23 fairs, Protection of Foreign Missions and Officials”,
24 \$26,320,000.

1 SEC. 2103. Notwithstanding section 1101, the level
2 for each of the following accounts shall be as follows:
3 “International Organizations, Contributions to Inter-
4 national Organizations”, \$1,516,430,000; “International
5 Organizations, Contributions for International Peace-
6 keeping Activities”, \$1,898,511,000; “Related Programs,
7 United States Institute of Peace”, \$42,676,000 (reduced
8 by \$42,676,000), which shall not be used for construction
9 activities; “Related Programs, East-West Center”,
10 \$10,716,000 (reduced by \$10,716,000); and “Inter-
11 national Commissions, International Fisheries Commis-
12 sions”, \$44,627,000.

13 SEC. 2104. Notwithstanding section 1101, the level
14 for each of the following accounts shall be as follows:
15 “International Commissions, International Boundary and
16 Water Commission, United States and Mexico, Salaries
17 and Expenses”, \$43,419,000; “International Commis-
18 sions, International Boundary and Water Commission,
19 United States and Mexico, Construction”, \$25,286,000;
20 “International Commissions, American Sections”,
21 \$11,852,000; “Related Programs, The Asia Foundation”,
22 \$14,749,000; “Other Commissions, Commission for the
23 Preservation of America’s Heritage Abroad, Salaries and
24 Expenses”, \$597,000; “Other Commissions, United States
25 Commission on International Religious Freedom, Salaries

1 and Expenses”, \$4,042,000; “Other Commissions, Com-
2 mission on Security and Cooperation in Europe, Salaries
3 and Expenses”, \$2,453,000; “Other Commissions, Con-
4 gressional-Executive Commission on the People’s Republic
5 of China, Salaries and Expenses”, \$1,880,000; and
6 “Other Commissions, United States-China Economic and
7 Security Review Commission”, \$3,290,000.

8 SEC. 2105. Notwithstanding section 1101, the level
9 for each of the following accounts shall be as follows: “Re-
10 lated Agency, Broadcasting Board of Governors, Inter-
11 national Broadcasting Operations”, \$689,761,000; and
12 “Related Agency, Broadcasting Board of Governors,
13 Broadcasting Capital Improvements”, \$6,785,000.

14 SEC. 2106. Notwithstanding section 1101, the level
15 for each of the following accounts shall be as follows: “Ad-
16 ministration of Foreign Affairs, Educational and Cultural
17 Exchange Programs”, \$501,347,000; “Related Programs,
18 National Endowment for Democracy”, \$110,920,000, of
19 which \$100,000,000 shall be allocated in the traditional
20 and customary manner, including for the core institutes;
21 “Bilateral Economic Assistance, Independent Agencies,
22 Inter-American Foundation”, \$20,830,000; and “Bilateral
23 Economic Assistance, Independent Agencies, African De-
24 velopment Foundation”, \$29,757,000.

1 SEC. 2107. Notwithstanding section 1101, the level
2 for each of the following accounts shall be as follows:
3 “United States Agency for International Development,
4 Funds Appropriated to the President, Operating Ex-
5 penses”, \$1,267,872,000; “United States Agency for
6 International Development, Funds Appropriated to the
7 President, Civilian Stabilization Initiative”, \$7,000,000;
8 “United States Agency for International Development,
9 Funds Appropriated to the President, Capital Investment
10 Fund”, \$120,777,000; and “United States Agency for
11 International Development, Funds Appropriated to the
12 President, Office of Inspector General”, \$43,710,000.

13 SEC. 2108. Notwithstanding section 1101, the level
14 for each of the following accounts shall be as follows: “Bi-
15 lateral Economic Assistance, Funds Appropriated to the
16 President, Development Assistance”, \$1,773,780,000;
17 “Bilateral Economic Assistance, Funds Appropriated to
18 the President, Assistance for Europe, Eurasia and Central
19 Asia”, \$697,134,000; and “Bilateral Economic Assist-
20 ance, Independent Agencies, Millennium Challenge Cor-
21 poration”, \$790,000,000.

22 SEC. 2109. Notwithstanding section 1101, the level
23 for each of the following accounts shall be as follows: “Bi-
24 lateral Economic Assistance, Funds Appropriated to the
25 President, Economic Support Fund”, \$5,706,552,000;

1 “Bilateral Economic Assistance, Funds Appropriated to
2 the President, Democracy Fund”, \$112,800,000; “De-
3 partment of the Treasury, International Affairs Technical
4 Assistance”, \$20,235,000; and “Department of the Treas-
5 ury, Debt Restructuring”, \$30,055,000 (reduced by
6 \$20,000,000).

7 SEC. 2110. Notwithstanding section 1101, the level
8 for each of the following accounts shall be as follows: “Bi-
9 lateral Economic Assistance, Funds Appropriated to the
10 President, International Disaster Assistance”,
11 \$429,739,000; and “Bilateral Economic Assistance,
12 Funds Appropriated to the President, Transition Initia-
13 tives”, \$44,635,000.

14 SEC. 2111. Notwithstanding section 1101, the level
15 for each of the following accounts shall be as follows: “Bi-
16 lateral Economic Assistance, Department of State, Migra-
17 tion and Refugee Assistance”, \$1,023,178,000; and “Bi-
18 lateral Economic Assistance, Department of State, United
19 States Emergency Refugee and Migration Assistance
20 Fund”, \$44,635,000.

21 SEC. 2112. Notwithstanding section 1101, the level
22 for “Bilateral Economic Assistance, Independent Agen-
23 cies, Peace Corps” shall be \$330,799,000.

24 SEC. 2113. Notwithstanding section 1101, the level
25 for each of the following accounts shall be as follows:

1 “International Security Assistance, Department of State,
2 Nonproliferation, Anti-terrorism, Demining and Related
3 Programs”, \$740,000,000; and “International Security
4 Assistance, Department of State, Peacekeeping Oper-
5 ations”, \$305,000,000.

6 SEC. 2114. Notwithstanding section 1101, the level
7 for each of the following accounts shall be as follows:
8 “International Security Assistance, Funds Appropriated
9 to the President, Pakistan Counterinsurgency Capability
10 Fund”, \$1,000,000,000, which shall remain available until
11 September 30, 2012, and shall be available to the Sec-
12 retary of State under the terms and conditions provided
13 for this Fund in Public Law 111–32; and “International
14 Security Assistance, Funds Appropriated to the President,
15 Foreign Military Financing Program”, \$5,385,000,000, of
16 which not less than \$3,000,000,000 shall be available for
17 grants only for Israel and \$1,300,000,000 shall be avail-
18 able for grants only for Egypt and \$300,000,000 shall be
19 available for assistance for Jordan: *Provided*, That the
20 dollar amount in the fourth proviso under the heading
21 “International Security Assistance, Funds Appropriated
22 to the President, Foreign Military Financing Program”
23 in division F of Public Law 111–117 shall be deemed to
24 be \$789,000,000 for the purpose of applying funds appro-
25 priated under such heading by this division.

1 SEC. 2115. Notwithstanding section 1101, the level
2 for each of the following accounts shall be as follows:
3 “Multilateral Assistance, Funds Appropriated to the
4 President, International Organizations and Programs”,
5 \$309,897,000; “Multilateral Assistance, Funds Appro-
6 priated to the President, International Financial Institu-
7 tions, Global Environment Facility”, \$32,020,000; “Multi-
8 lateral Assistance, Funds Appropriated to the President,
9 International Financial Institutions, Contribution to the
10 International Development Association”, \$942,305,000;
11 “Multilateral Assistance, Funds Appropriated to the
12 President, International Financial Institutions, Contribu-
13 tion to the Enterprise for the Americas Multilateral In-
14 vestment Fund”, \$20,127,000; “Multilateral Assistance,
15 Funds Appropriated to the President, International Fi-
16 nancial Institutions, Contribution to the African Develop-
17 ment Fund”, \$134,585,000; and “Multilateral Assistance,
18 Funds Appropriated to the President, International Fi-
19 nancial Institutions, International Fund for Agricultural
20 Development”, \$17,926,000.

21 SEC. 2116. Notwithstanding section 1101, the level
22 for each of the following accounts shall be as follows: “Ex-
23 port and Investment Assistance, Overseas Private Invest-
24 ment Corporation, Noncredit Account”, \$47,115,000;
25 “Export and Investment Assistance, Overseas Private In-

1 vestment Corporation, Program Account”, \$23,310,000;
2 and “Export and Investment Assistance, Funds Appro-
3 priated to the President, Trade and Development Agen-
4 cy”, \$49,992,000.

5 SEC. 2117. (a) Notwithstanding section 1101, the
6 amounts included under the heading “Administration of
7 Foreign Affairs, Embassy Security, Construction and
8 Maintenance” in division F of Public Law 111–117 shall
9 be applied to funds appropriated by this division as fol-
10 lows: by substituting “\$824,239,000” for “\$876,850,000”
11 in the first paragraph; and by substituting
12 “\$796,462,000” for “\$847,300,000” in the second para-
13 graph.

14 (b) Notwithstanding section 1101, the amounts in-
15 cluded under the heading “Administration of Foreign Af-
16 fairs, Repatriation Loans Program Account” in division
17 F of Public Law 111–117 shall be applied to funds appro-
18 priated by this division as follows: by substituting
19 “\$695,000” for “\$739,000” in the first paragraph; and
20 by substituting “\$668,000” for “\$711,000” in the second
21 paragraph.

22 (c) Notwithstanding section 1101, the level in the sec-
23 ond paragraph under the heading “Bilateral Economic As-
24 sistance, Funds Appropriated to the President, Develop-
25 ment Credit Authority” shall be \$8,084,000.

1 SEC. 2118. Notwithstanding section 1101, the
2 amounts included under the heading “Bilateral Economic
3 Assistance, Funds Appropriated to the President, Global
4 Health and Child Survival” in division F of Public Law
5 111–117 shall be applied to funds appropriated by this
6 division as follows: by substituting in the first paragraph
7 “\$2,149,780,000” for “\$2,420,000,000”; by substituting
8 in the second paragraph “\$4,845,700,000” for
9 “\$5,359,000,000” and “\$600,000,000” for
10 “\$750,000,000”.

11 SEC. 2119. Notwithstanding section 1101, the level
12 for each of the following accounts shall be \$0: “Adminis-
13 tration of Foreign Affairs, Buying Power Maintenance Ac-
14 count”; “Bilateral Economic Assistance, Funds Appro-
15 priated to the President, Complex Crises Fund”; “Bilat-
16 eral Economic Assistance, Funds Appropriated to the
17 President, International Fund for Ireland”; “Multilateral
18 Assistance, Funds Appropriated to the President, Con-
19 tribution to the Clean Technology Fund”; “Multilateral
20 Assistance, Funds Appropriated to the President, Con-
21 tribution to the Strategic Climate Fund”; and “Multilat-
22 eral Assistance, Funds Appropriated to the President,
23 Contribution to the Asian Development Fund”.

24 SEC. 2120. (a) Of the unobligated balances available
25 from funds appropriated under the heading “Export and

1 Investment Assistance, Export-Import Bank of the United
2 States, Subsidy Appropriation²² in the Department of
3 State, Foreign Operations, and Related Programs Appro-
4 priations Act, 2009 (division H of Public Law 111-8) and
5 under such heading in prior acts making appropriations
6 for the Department of State, foreign operations, and re-
7 lated programs, \$150,000,000 are rescinded.

8 (b) Of the unobligated balances from funds appro-
9 priated or otherwise made available for the Buying Power
10 Maintenance Account, \$18,960,000 are rescinded.

11 (c) Of the unobligated balances available for the De-
12 velopment Assistance account, as identified by Treasury
13 Appropriation Fund Symbols 7206/111021, \$1,000,000
14 are rescinded.

15 (d) Of the unobligated balances available for the As-
16 sistance for the Independent States of the Former Soviet
17 Union account, as identified by Treasury Appropriation
18 Fund Symbols 7206/111093, 7207/121093, and
19 72X1093, \$11,700,000 are rescinded.

20 (e) Of the unobligated balances available for the
21 International Narcotics Control and Law Enforcement ac-
22 count, as identified by Treasury Appropriation Fund Sym-
23 bols, 11X1022, 1106/121022, and 191105/111022,
24 \$7,183,000 are rescinded.

1 SEC. 2121. (a) Notwithstanding section 653(b) of the
2 Foreign Assistance Act of 1961 (22 U.S.C. 2413(b)), the
3 President shall transmit to Congress the report required
4 under section 653(a) of that Act with respect to the provi-
5 sion of funds appropriated or otherwise made available by
6 this division for the Department of State, foreign oper-
7 ations, and related programs: *Provided*, That such report
8 shall include a comparison of amounts, by category of as-
9 sistance, provided or intended to be provided from funds
10 appropriated for fiscal years 2010 and 2011, for each for-
11 eign country and international organization.

12 (b) Not later than 30 days after the date of enact-
13 ment of this division, each department, agency or organi-
14 zation funded by this title or by division F of Public Law
15 111–117 shall submit to the Committees on Appropria-
16 tions an operating plan for such funds that provides de-
17 tails at the program, project, and activity level: *Provided*,
18 That the report required under subsection (a) shall be con-
19 sidered to have met the requirements of this subsection
20 with respect to funds made available to carry out the For-
21 eign Assistance Act of 1961 and the Arms Export Control
22 Act: *Provided further*, That the spending reports required
23 in division F of Public Law 111–117 for assistance for
24 Afghanistan, Pakistan, Iraq, the Caribbean Basin, Leb-
25 anon, Mexico, and Central America, and spending reports

1 required for funds appropriated under the headings “Dip-
2 lomatic and Consular Programs”, “Embassy Security,
3 Construction, and Maintenance”, “International Narcotics
4 Control and Law Enforcement”, “Civilian Stabilization
5 Initiative”, and “Peace Corps” shall be considered to have
6 met the requirements of this subsection.

7 (c) The reports required under subsection (b) shall
8 not be considered as meeting the notification requirements
9 under section 7015 of division F of Public Law 111–117
10 or under section 634A of the Foreign Assistance Act of
11 1961.

12 SEC. 2122. (a) Notwithstanding any other provision
13 of this division, the dollar amounts under paragraphs (1)
14 through (4) under the heading “Administration of Foreign
15 Affairs, Diplomatic and Consular Programs” in division
16 F of Public Law 111–117 shall not apply to funds appro-
17 priated by this division: *Provided*, That the dollar amounts
18 to be derived from fees collected under paragraph (5)(A)
19 under such heading shall be “\$1,702,904” and
20 “\$505,000” respectively: *Provided further*, That none of
21 the funds appropriated by this division may be used to
22 support the United States Ambassador’s Fund for Cul-
23 tural Preservation.

24 (b) Division F of Public Law 111–117 shall be ap-
25 plied to funds appropriated by this division under the

1 heading “Development Assistance” by substituting
2 “should” for “shall” each place it appears: *Provided*, That
3 the sixth, seventh and eighth provisos under the heading
4 “Development Assistance” in division F of Public Law
5 111–117 shall not apply to funds appropriated by this
6 title.

7 (e) Division F of Public Law 111–117 shall be ap-
8 plied to funds appropriated by this division under the
9 heading “Economic Support Fund” by substituting
10 “should” for “shall” each place it appears in the fourth
11 and sixteenth provisos.

12 (d) Notwithstanding any other provision of this divi-
13 sion, the following provisions in division F of Public Law
14 111–117 shall not apply to funds appropriated by this di-
15 vision:

16 (1) Section 7034(1).

17 (2) Section 7042(a), (b)(1), (e), and (d)(1).

18 (3) In section 7045:

19 (A) Subsections (a) and (b)(2).

20 (B) The first sentence of subsection (e).

21 (C) The first sentence of subsection (e)(1).

22 (D) The first sentence of subsection (f).

23 (E) Subsection (h).

24 (4) Section 7070(b).

25 (5) Section 7071(g)(3).

1 (6) The third proviso under the heading “Ad-
2 ministration of Foreign Affairs, Civilian Stabiliza-
3 tion Initiative”.

4 (7) The fourth proviso under the heading “Bi-
5 lateral Economic Assistance, Funds Appropriated to
6 the President, Assistance for Europe, Eurasia and
7 Central Asia”.

8 (e)(1) Notwithstanding the proviso in section 7060
9 in division F of Public Law 111–117, of the funds appro-
10 priated or otherwise made available by this division for
11 the Department of State, foreign operations, and related
12 programs, not more than \$440,000,000 may be made
13 available for family planning/reproductive health. *Pro-*
14 *vided,* That none of the funds appropriated or otherwise
15 made available by this division for the Department of
16 State, foreign operations, and related programs may be
17 made available for the United Nations Population Fund:
18 *Provided further,* That section 7078 of division F of Public
19 Law 111–117 shall not apply to funds appropriated by
20 this division.

21 (2) None of the funds appropriated or otherwise
22 made available by this division for the Department of
23 State, foreign operations, and related programs for popu-
24 lation planning activities or other population assistance
25 may be made available to any foreign nongovernmental or-

1 ganization that promotes or performs abortion, except in
2 cases of rape or incest or when the life of the mother
3 would be endangered if the fetus were carried to term.

4 (f) Section 7064(a)(1) and (b) of division F of Public
5 Law 111–117 shall be applied to funds appropriated by
6 this division by substituting “should” for “shall” each
7 place it appears.

8 (g) Section 7081 of division F of Public Law 111–
9 117 shall not apply to funds appropriated by this division.
10 *Provided*, That the second proviso of section 7081(d) of
11 division F of Public Law 111–117 is repealed.

12 (h) Section 7042 of division F of Public Law 111–
13 117 shall be applied to funds appropriated by this division
14 by substituting “\$552,900,000” for the dollar amount in
15 subsection (f)(1).

16 SEC. 2123. (a) The first proviso under the heading
17 “Economic Support Fund” in division F of Public Law
18 111–117 shall be applied to funds appropriated by this
19 division by substituting the following: “*Provided*, That of
20 the funds appropriated under this heading, up to
21 \$250,000,000 may be provided for assistance for Egypt.
22 *Provided further*, That any assistance made available to
23 the Government of Egypt shall be provided with the un-
24 derstanding that Egypt will undertake significant eco-

1 nomic and democratic reforms that are additional to those
2 that were undertaken in previous fiscal years.”.

3 (b) The tenth proviso under the heading “Economic
4 Support Fund” in division F of Public Law 111–117 shall
5 be applied to funds appropriated by this division by sub-
6 stituting the following: “*Provided further*, That funds ap-
7 propriated or otherwise made available by this division for
8 assistance for Afghanistan and Pakistan may not be made
9 available for direct government-to-government assistance
10 unless the Secretary of State certifies to the Committees
11 on Appropriations that the relevant implementing agency
12 has been assessed and considered qualified to manage such
13 funds and the Government of the United States and the
14 government of the recipient country have agreed, in writ-
15 ing, to clear and achievable goals and objectives for the
16 use of such funds, and have established mechanisms with-
17 in each implementing agency to ensure that such funds
18 are used for the purposes for which they were intended.”.

19 (c) The second proviso under the heading “Inter-
20 national Security Assistance, Department of State, Peace-
21 keeping Operations” in division F of Public Law 111–117
22 shall be applied by substituting the following: “*Provided*
23 *further*, That up to \$55,918,000 may be used to pay as-
24 sessed expenses of international peacekeeping activities in
25 Somalia, except that up to an additional \$35,000,000 may

1 be made available for such purpose subject to prior con-
2 sultation with, and the regular notification procedures of,
3 the Committees on Appropriations.”

4 (d) Section 7034(n) of division F of Public Law 111-
5 117 shall be applied to funds appropriated by this division
6 by adding at the end before the period the following: “:
7 *Provided*, That none of the funds appropriated or other-
8 wise made available by this division or any other Act mak-
9 ing appropriations for the Department of State, foreign
10 operations, and related programs may be used to imple-
11 ment phase 3 of such authority”.

12 (e) Section 7034(n) of division F of Public Law 111-
13 117 shall be applied to funds appropriated by this division
14 by adding at the end before the period the following: “:
15 *Provided*, That not less than \$10,000,000 should be trans-
16 ferred and merged with funds available under the heading
17 ‘Related Agency, Broadcasting Board of Governors, Inter-
18 national Broadcasting Operations’ to carry out the pur-
19 poses of this subsection”.

20 (f) Section 7042 of division F of Public Law 111-
21 117 shall be applied to funds appropriated by this division
22 by substituting the following for the proviso in subsection
23 (d)(2): “: *Provided*, That funds may not be made available
24 for obligation until the Secretary of State determines and
25 reports to the Committees on Appropriations that funds

1 provided are in the national security interest of the United
2 States and provides the Committees on Appropriations a
3 detailed spending plan.”.

4 (g) Section 704~~3~~ of division F of Public Law 111-
5 117 shall be applied to funds appropriated by this division
6 by substituting the following for subsection (b):

7 “(b) LIMITATION.—None of the funds appropriated
8 or otherwise made available in title VI of this division
9 under the heading ‘Export-Import Bank of the United
10 States’ may be used by the Export-Import Bank of the
11 United States to provide any new financing (including
12 loans, guarantees, other credits, insurance, and reinsur-
13 ance) to any person that is subject to sanctions under
14 paragraph (2) or (3) of section 5(a) of the Iran Sanctions
15 Act of 1996 (Public Law 104-172).”.

16 (h) Sections 7061, 7065, 7071(i), and 7087(a) of di-
17 vision F of Public Law 111-117 shall be applied to funds
18 appropriated by this division by substituting “should” for
19 “shall” each place it appears.

20 (i) Section 7071(b) of division F of Public Law 111-
21 117 shall be applied to funds appropriated by this division
22 by substituting “up to \$36,500,000 may” for “not less
23 than \$36,500,000 shall” in paragraph (2).

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 Afghanistan until the Secretary of State,
8 in consultation with the Administrator of the United
9 States Agency for International Development (USAID),
10 certifies and reports to the Committees on Appropriations
11 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(e)
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.—(1) The Special Inspector General
19 for Afghanistan Reconstruction, the Inspector General of
20 the Department of State and the Inspector General of
21 USAID, shall jointly develop and submit to the Commit-
22 tees on Appropriations within 45 days of enactment of this
23 division a coordinated audit and inspection plan of United
24 States assistance for, and civilian operations in, Afghani-
25 stan.

1 (2) Of the funds appropriated by this division under
2 the heading “Economic Support Fund” for assistance for
3 Afghanistan, ~~\$3,000,000~~ shall be transferred to, and
4 merged with, funds made available under the heading
5 “Administration of Foreign Affairs, Office of Inspector
6 General” by this division, for increased oversight of pro-
7 grams in Afghanistan and shall be in addition to funds
8 otherwise available for such purposes: *Provided*, That
9 \$1,500,000 shall be for the activities of the Special Inspec-
10 tor General for Afghanistan Reconstruction.

11 (3) Of the funds appropriated by this division under
12 the heading “Economic Support Fund” for assistance for
13 Afghanistan, ~~\$1,500,000~~ shall be transferred to, and
14 merged with, funds appropriated under the heading
15 “United States Agency for International Development,
16 Funds Appropriated to the President, Office of Inspector
17 General” by this division for increased oversight of pro-
18 grams in Afghanistan and shall be in addition to funds
19 otherwise available for such purposes.

20 (e) MODIFICATION TO PRIOR PROVISIONS.—(1) Sec-
21 tion ~~1004(c)(1)(C)~~ of Public Law ~~111–212~~ is amended to
22 read as follows:

23 “(C) taking credible steps to protect the
24 internationally recognized human rights of Af-
25 ghan women.”.

1 ~~(2)~~ Section 1004(d)(1) of Public Law 111-212 is
2 amended to read as follows:

3 ~~“(1) Afghan women are participating at na-~~
4 ~~tional, provincial, and local levels of government in~~
5 ~~the design, policy formulation, and implementation~~
6 ~~of the reconciliation or reintegration process, and~~
7 ~~such process upholds steps taken by the Government~~
8 ~~of Afghanistan to protect the internationally recog-~~
9 ~~nized human rights of Afghan women; and”.~~

10 ~~(3)~~ Section 1004(e)(1) of Public Law 111-212 is
11 amended to read as follows:

12 ~~“(1) based on information available to the Sec-~~
13 ~~retary, the Independent Electoral Commission has~~
14 ~~no members or other employees who participated in,~~
15 ~~or helped to cover up, acts of fraud in the 2009~~
16 ~~presidential election in Afghanistan, and the Elec-~~
17 ~~toral Complaints Commission is a genuinely inde-~~
18 ~~pendent body with all the authorities that were in-~~
19 ~~vested in it under Afghan law as of December 31,~~
20 ~~2009; and”.~~

21 ~~TITLE XII—TRANSPORTATION, HOUSING AND~~
22 ~~URBAN DEVELOPMENT, AND RELATED~~
23 ~~AGENCIES~~

24 ~~SEC. 2201. Notwithstanding section 1101, the level~~
25 ~~for “Department of Transportation, Federal Aviation Ad-~~

1 ministration, Operations” shall be \$9,523,028,000, of
2 which \$4,559,000,000 shall be derived from the Airport
3 and Airway Trust Fund, of which not less than
4 \$7,473,299,000 shall be for air traffic organization activi-
5 ties and not less than \$1,253,020,000 shall be for aviation
6 regulation and certification activities.

7 ~~SEC. 2202.~~ Notwithstanding section 1101, the level
8 for “Department of Transportation, Federal Aviation Ad-
9 ministration, Facilities and Equipment” shall be
10 \$2,736,203,000, of which \$2,226,203,000 shall remain
11 available through September 30, 2013, and of which
12 \$470,000,000 shall remain available through September
13 30, 2011.

14 ~~SEC. 2203.~~ Notwithstanding section 1101, the level
15 for each of the following accounts shall be \$0: “Depart-
16 ment of Transportation, Office of the Secretary, National
17 Infrastructure Investments”; “Department of Transpor-
18 tation, Federal Highway Administration, Surface Trans-
19 portation Priorities”; “Department of Transportation,
20 Federal Transit Administration, Grants for Energy Effi-
21 ciency and Greenhouse Gas Reductions”; “Department of
22 Transportation, Federal Railroad Administration, Rail-
23 road Safety Technology Program”; “Department of
24 Transportation, Federal Railroad Administration, Capital
25 Assistance for High Speed Rail Corridors and Intercity

1 Passenger Rail Service”; “Department of Transportation,
2 Maritime Administration, Assistance to Small Shipyards”;
3 and “Department of Transportation, Federal Transit Ad-
4 ministration, Grants to the Washington Metropolitan Area
5 Transit Authority”.

6 SEC. 2204. Notwithstanding section 1101, the level
7 for “Department of Transportation, Federal Aviation Ad-
8 ministration, Research, Engineering, and Development”
9 shall be \$146,828,000.

10 SEC. 2205. Notwithstanding section 1101, the level
11 for “Department of Transportation, Federal Transit Ad-
12 ministration, Capital Investment Grants” shall be
13 \$1,569,092,000.

14 SEC. 2206. Notwithstanding section 1101, the level
15 for “Department of Transportation, Federal Railroad Ad-
16 ministration, Rail Line Relocation and Improvement Pro-
17 gram” shall be \$15,000,000.

18 SEC. 2207. Notwithstanding section 1101, the level
19 for “Department of Transportation, Federal Railroad Ad-
20 ministration, Capital and Debt Service Grants to the Na-
21 tional Railroad Passenger Corporation” shall be
22 \$850,000,000.

23 SEC. 2208. Notwithstanding section 1101, the level
24 for “Maritime Administration, Operations and Training”
25 shall be \$155,750,000, of which \$11,240,000 shall remain

1 available until expended for maintenance and repair of
2 training ships at State Maritime Academies; of which
3 ~~\$15,000,000~~ shall remain available until expended for cap-
4 ital improvements at the United States Merchant Marine
5 Academy; of which ~~\$59,057,000~~ shall be available for op-
6 erations at the United States Merchant Marine Academy;
7 and of which ~~\$6,000,000~~ shall remain available until ex-
8 pended for the reimbursement of overcharged midshipmen
9 fees for academic years ~~2003–2004~~ through ~~2008–2009~~,
10 and such reimbursement shall be the final and conclusive
11 disposition of claims for such overcharges.

12 SEC. 2209. Of the prior year unobligated balances
13 available for “Department of Transportation, Federal
14 Railroad Administration, Capital Assistance for High
15 Speed Rail Corridors and Intercity Passenger Rail Serv-
16 ice”, ~~\$2,475,000,000~~ is rescinded.

17 SEC. 2210. Of the prior year unobligated balances
18 available for “Department of Transportation, Office of the
19 Secretary, National Infrastructure Investments”,
20 ~~\$600,000,000~~ is rescinded.

21 SEC. 2211. Of the funds made available for “Depart-
22 ment of Transportation, Federal Transit Administration,
23 Capital Investment Grants” in division A of Public Law
24 ~~111–117~~, ~~\$280,000,000~~ is rescinded.

1 SEC. 2212. Of the prior year unobligated balances
2 available for “Department of Transportation, Federal
3 Railroad Administration, Railroad Safety Technology Pro-
4 gram”, \$50,000,000 is rescinded.

5 SEC. 2213. Of the prior year unobligated balances
6 available for “Department of Transportation, Federal
7 Railroad Administration, Capital Assistance to States—
8 Intercity Passenger Rail Service”, \$78,423,000 is re-
9 scinded.

10 SEC. 2214. Of the prior year unobligated balances
11 available for “Department of Transportation, Federal
12 Transit Administration, Grants for Energy Efficiency and
13 Greenhouse Gas Reductions”, \$75,000,000 is rescinded.

14 SEC. 2215. Notwithstanding section 1101, no funds
15 are provided for activities described in section 122 of title
16 I of division A of Public Law 111–117.

17 SEC. 2216. Notwithstanding section 1101, section
18 172 of title I of division A of Public Law 111–117 shall
19 not apply to funds appropriated by this division.

20 SEC. 2217. Notwithstanding section 1101, section
21 186 of title I of division A of Public Law 111–117 shall
22 not apply to fiscal year 2011.

23 SEC. 2218. Notwithstanding section 1101, no funds
24 are provided for activities described in section 195 of title
25 I of division A of Public Law 111–117.

1 SEC. 2219. (a) Notwithstanding section 1101 of this
2 division and section 120(a)(5) title I of division A of Pub-
3 lic Law 111–117, no obligation limitation for Federal-aid
4 highways for fiscal year 2011 shall be distributed to the
5 following programs: the interstate maintenance discre-
6 tionary program under section 118(e) of title 23, United
7 States Code; the Transportation, Community, and Sys-
8 tems Preservation program under section 1117 of the
9 Safe, Accountable, Flexible, Efficient, Transportation Eq-
10 uity Act: A Legacy for Users; the Ferry Boats discre-
11 tionary program under sections 129(e) and 147 of title
12 23, United States Code (except for the funds set aside
13 under section 147(d) of title 23, United States Code); and
14 the delta region transportation development program
15 under section 1308 of the Safe, Accountable, Flexible, Ef-
16 ficient, Transportation Equity Act: A Legacy for Users.

17 (b) The obligation limitation reserved under sub-
18 section (a) of this section shall be instead distributed as
19 follows: 20 percent to the interstate maintenance program
20 authorized under section 119 of title 23, United States
21 Code; 26 percent to the surface transportation program
22 authorized under section 133 of title 23, United States
23 Code; 17 percent to the highway bridge program author-
24 ized under section 144 of title 23, United States Code;
25 5 percent to the highway safety improvement program au-

1 thorized under section 148 of title 23, United States Code;
2 7 percent to the congestion mitigation and air quality
3 maintenance program authorized under section 149 of
4 title 23; and 25 percent for the national highway system
5 program authorized under section 103 of title 23, United
6 States Code: *Provided*, That the Secretary of Transpor-
7 tation shall distribute the obligation limitation under sub-
8 section (a) of this section to each State in the ratio in
9 which such State is apportioned contract authority for
10 such programs for fiscal year 2011 under section 104 and
11 section 144 of title 23, United States Code.

12 SEC. 2220. Notwithstanding section 1101, the level
13 for “Department of Housing and Urban Development,
14 Public and Indian Housing, Tenant-Based Rental Assist-
15 ance” shall be \$14,080,098,711, to remain available
16 through September 30, 2012, shall be available on October
17 1, 2010 (in addition to the \$4,000,000,000 previously ap-
18 propriated under such heading that became available on
19 October 1, 2010), and an additional \$4,000,000,000, to
20 remain available through September 30, 2013, shall be
21 available on October 1, 2011: *Provided*, That of the
22 amounts available for such heading, \$16,702,688,117
23 shall be for activities specified in paragraph (1) under
24 such heading of division A of Public Law 111–117,
25 \$110,000,000 shall be for activities specified in paragraph

1 (2) under such heading in such Public Law,
2 \$1,207,410,594 shall be for activities specified in para-
3 graph (3) under such heading in such Public Law, of
4 which \$1,157,410,594 shall be used as provided in the
5 first proviso of such paragraph (3), and \$0 shall be for
6 activities specified in paragraph (6) under such heading
7 of such Public Law.

8 SEC. 2221. Notwithstanding section 1101, the level
9 for “Department of Housing and Urban Development,
10 Housing Programs, Project-Based Rental Assistance”
11 shall be \$8,882,328,000, to remain available through Sep-
12 tember 30, 2012, shall be available on October 1, 2010,
13 and an additional \$400,000,000, to remain available
14 through September 30, 2013, shall be available on October
15 1, 2011: *Provided*, That of the amounts available for such
16 heading, \$8,950,000,000 shall be for activities specified
17 in paragraph (1) under such heading of division A of Pub-
18 lic Law 111–117 and \$326,000,000 shall be available for
19 activities specified in paragraph (2) under such heading
20 of such Public Law.

21 SEC. 2222. Notwithstanding section 1101, the level
22 for each of the following accounts shall be \$0: “Depart-
23 ment of Housing and Urban Development, Public and In-
24 dian Housing, Revitalization of Severely Distressed Public
25 Housing (HOPE VI)”; “Department of Housing and

1 Urban Development, Public and Indian Housing, Native
2 Hawaiian Housing Block Grants”; “Department of Hous-
3 ing and Urban Development, Housing Programs, Housing
4 Counseling Assistance”; “Department of Housing and
5 Urban Development, Housing Programs, Energy Innova-
6 tion Fund”; and “Department of Housing and Urban De-
7 velopment, Community Planning and Development,
8 Brownfields Redevelopment”.

9 SEC. 2223. Notwithstanding section 1101, the level
10 for “Department of Housing and Urban Development,
11 Public and Indian Housing, Public Housing Operating
12 Fund” shall be \$4,626,000,000.

13 SEC. 2224. Notwithstanding section 1101, the level
14 for “Department of Housing and Urban Development,
15 Public and Indian Housing, Public Housing Capital
16 Fund” shall be \$1,428,000,000.

17 SEC. 2225. Notwithstanding section 1101, the level
18 for “Department of Housing and Urban Development,
19 Public and Indian Housing, Native American Housing
20 Block Grants” shall be \$500,000,000.

21 SEC. 2226. Notwithstanding section 1101, the level
22 for “Department of Housing and Urban Development,
23 Community Planning and Development, Community De-
24 velopment Fund” shall be \$1,500,000,000: *Provided*, That
25 the funds made available under such heading shall be used

1 only for assistance under the community development
2 block grant program that is provided under section 106
3 of the Housing and Community Development Act of 1974
4 (42 U.S.C. 5306), as amended. *Provided further*, That
5 none of the funds appropriated or otherwise made avail-
6 able by this Act may be used for a Sustainable Commu-
7 nities Initiative.

8 SEC. 2227. Notwithstanding section 1101, the level
9 for “Department of Housing and Urban Development,
10 Community Planning and Development, HOME Invest-
11 ment Partnerships Program” shall be \$1,650,000,000.

12 SEC. 2228. Notwithstanding section 1101, the level
13 for “Department of Housing and Urban Development, Of-
14 fice of Lead Hazard Control and Healthy Homes, Lead
15 Hazard Reduction” shall be \$120,000,000.

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. Of the prior year unobligated balances
22 available for “Department of Housing and Urban Devel-
23 opment, Community Planning and Development,
24 Brownfields Redevelopment”, \$17,300,000 is rescinded.

1 SEC. 2231. Of the prior year unobligated balances
2 available for “Department of Housing and Urban Devel-
3 opment, Public and Indian Housing, Revitalization of Se-
4 verely Distressed Public Housing (HOPE VI)”,
5 \$198,000,000 is rescinded.

6 SEC. 2232. Of the prior year unobligated balances
7 available for “Department of Housing and Urban Devel-
8 opment, Community Planning and Development, Commu-
9 nity Development Fund”, \$130,000,000 made available
10 for a Sustainable Communities Initiative is rescinded.

11 SEC. 2233. Of the prior year unobligated balances
12 available for “Department of Housing and Urban Devel-
13 opment, Housing Programs, Energy Innovation Fund”,
14 \$49,500,000 is rescinded.

15 SEC. 2234. The heading “Department of Housing
16 and Urban Development, Management and Administra-
17 tion, Transformation Initiative” in title II of division A
18 of Public Law 111–117, is amended by striking “For nec-
19 essary expenses” and all that follows through the end of
20 such heading and inserting the following: “For necessary
21 expenses of information technology modernization includ-
22 ing development and deployment of a Next Generation of
23 Voucher Management System and development and de-
24 ployment of modernized Federal Housing Administration
25 systems, \$71,000,000: *Provided*, That not more than 25

1 percent of the funds made available for information tech-
2 nology modernization may be obligated until the Secretary
3 of Housing and Urban Development submits to the House
4 and Senate Committees on Appropriations a plan for ex-
5 penditure that: (1) identifies, for each modernization
6 project: (A) the functional and performance capabilities to
7 be delivered and the mission benefits to be realized; (B)
8 the estimated lifecycle cost; and (C) key milestones to be
9 met; (2) demonstrates that each modernization project is:
10 (A) compliant with the Department's enterprise architec-
11 ture; (B) being managed in accordance with applicable
12 lifecycle management policies and guidance; (C) subject to
13 the Department's capital planning and investment control
14 requirements; and (D) supported by an adequately staffed
15 project office; and (3) has been reviewed by the Govern-
16 ment Accountability Office.".

17 SEC. 2235. Notwithstanding section 1101, the level
18 for "National Railroad Passenger Corporation, Office of
19 Inspector General, Salaries and Expenses" shall be
20 \$19,350,000.

21 SEC. 2236. No rescission made in this title shall
22 apply to any amount previously designated by the Con-
23 gress as an emergency requirement pursuant to a concur-
24 rent resolution on the budget or the Balanced Budget and
25 Emergency Deficit Control Act of 1985.

1 SEC. 2237. Notwithstanding section 1101, the level
2 for “Department of Housing and Urban Development,
3 Housing Programs, Housing for the Elderly” shall be
4 \$237,700,000: *Provided*, That none of the funds made
5 available under this heading shall be used for capital ad-
6 vances or project rental assistance contracts.

7 SEC. 2238. Notwithstanding section 1101, the level
8 for “Department of Housing and Urban Development,
9 Housing Programs, Housing for Persons with Disabil-
10 ities” shall be \$90,036,817: *Provided*, That none of the
11 funds made available under this heading shall be used for
12 capital advances or project rental assistance contracts:
13 *Provided further*, That none of the funds shall be used for
14 amendments or renewals of tenant-based assistance con-
15 tracts entered into prior to fiscal year 2005.

16 **DIVISION C—STIMULUS RESCISSIONS**

17 SEC. 3001. (a) There are hereby rescinded all unobli-
18 gated balances remaining available as of February 11,
19 2011, of the discretionary appropriations provided by divi-
20 sion A of the American Recovery and Reinvestment Act
21 of 2009 (Public Law 111–5).

22 (b) Subsection (a) shall not apply to funds appro-
23 priated or otherwise made available to Offices of Inspector
24 General and the Recovery Act Accountability and Trans-

1 parency Board by division A of the American Recovery
2 and Reinvestment Act of 2009 (Public Law 111–5).

3 SEC. 3002. Hereafter, no Federal agency admin-
4 istering funds provided by division A of the American Re-
5 covery and Reinvestment Act of 2009 (Public Law 111–
6 5) may provide funding or reimbursement to any entity
7 awarded funds from such Act for the cost associated with
8 physical signage or other advertisement indicating that a
9 project is funded by such Act.

10 **DIVISION D—MISCELLANEOUS**
11 **PROVISIONS**

12 SPENDING REDUCTION ACCOUNT

13 SEC. 4001. The amount by which each applicable al-
14 location of new budget authority made by the Committee
15 on Appropriations of the House of Representatives under
16 section 302(b) of the Congressional Budget Act of 1974
17 exceeds the amount of related proposed new budget au-
18 thority is as follows:

19 (1) Agriculture, Rural Development, Food and
20 Drug Administration, and Related Agencies,
21 \$1,972,000,000.

22 (2) Commerce, Justice, Science, and Related
23 Agencies, \$1,405,000,000 (increased by
24 \$34,023,000).

1 (3) Defense, \$1,500,000,000 (increased by
2 \$450,000,000).

3 (4) Energy and Water Development, and Re-
4 lated Agencies, \$100,000,000.

5 (5) Financial Services and General Govern-
6 ment, \$750,000,000.

7 (6) Homeland Security, \$1,000,000,000.

8 (7) Interior, Environment, and Related Agen-
9 cies, \$1,750,000,000 (increased by \$1,897,000) (in-
10 creased by \$2,000,000) (increased by \$8,458,000)
11 (increased by \$10,000,000) (increased by
12 \$20,594,000) (increased by \$15,000,000) (increased
13 by \$4,500,000).

14 (8) Labor, Health and Human Services, Edu-
15 cation, and Related Agencies, \$10,901,000,000.

16 (9) Legislative Branch, \$100,000,000 (in-
17 creased by \$1,500,000).

18 (10) Military Construction, Veterans Affairs,
19 and Related Agencies, \$500,000,000.

20 (11) State, Foreign Operations, and Related
21 Programs, \$2,000,000,000 (increased by
22 \$42,676,000) (increased \$10,716,000) (increased by
23 \$20,000,000).

24 (12) Transportation, Housing and Urban De-
25 velopment, and Related Agencies, \$3,923,000,000.

1 ~~SEC. 4002.~~ None of the funds made available by this
2 Act for Department of Homeland Security, Federal Emer-
3 gency Management Agency, State and Local Programs
4 may be used to provide grants under the Urban Area Se-
5 curity Initiative under section ~~2003~~ of the Homeland Se-
6 curity Act of 2002 (6 U.S.C. 604) to more than 25 high-
7 risk urban areas.

8 ~~SEC. 4003.~~ For “Department of Justice, Office of
9 Justice Programs, Justice Assistance” for an additional
10 amount to amounts otherwise made available by this Act
11 for carrying out title I of the PROTECT Our Children
12 Act of 2008, as authorized by section 107 of such Act
13 (Public Law 110–401), there is hereby appropriated, and
14 the amount made available by this Act for “Department
15 of Justice, Office of Justice Programs, Justice Assist-
16 ance” is hereby reduced by, \$30,000,000.

17 ~~SEC. 4004.~~ None of the funds made available by this
18 Act may be used to carry out chapter 95 or chapter 96
19 of the Internal Revenue Code of 1986.

20 ~~SEC. 4005.~~ None of the funds made available in this
21 Act may be used to enforce the requirements in—

22 (1) section ~~34(a)(1)(A)~~ of the Federal Fire Pre-
23 vention and Control Act of 1974 (15 U.S.C.
24 ~~2229a(a)(1)(A)~~);

25 (2) section ~~34(a)(1)(B)~~ of such Act;

1 ~~(3) section 34(e)(1) of such Act;~~

2 ~~(4) section 34(e)(4)(A) of such Act; and~~

3 ~~(5) section 34(e)(4)(A) of such Act.~~

4 ~~SEC. 4006. None of the funds made available by this~~
5 ~~Act may be used to implement the Report and Order of~~
6 ~~the Federal Communications Commission relating to the~~
7 ~~matter of preserving the open Internet and broadband in-~~
8 ~~dustry practices (FCC 10–201, adopted by the Commis-~~
9 ~~sion on December 21, 2010).~~

10 ~~SEC. 4007. None of the funds made available by this~~
11 ~~Act may be used for the payment of fees and other ex-~~
12 ~~penses under section 504 of title 5, United States Code,~~
13 ~~or section 2412(d) of title 28, United States Code.~~

14 ~~SEC. 4008. None of the funds made available by this~~
15 ~~Act may be used to implement, administer, or enforce the~~
16 ~~rule entitled “National Emission Standards for Hazardous~~
17 ~~Air Pollutants From the Portland Cement Manufacturing~~
18 ~~Industry and Standards of Performance for Portland Ce-~~
19 ~~ment Plants” published by the Environmental Protection~~
20 ~~Agency on September 9, 2010 (75 Fed. Reg. 54970 et~~
21 ~~seq.).~~

22 ~~SEC. 4009. None of the funds made available by this~~
23 ~~Act may be used to pay the salaries and expenses for the~~
24 ~~following positions and their offices:~~

1 (1) Director, White House Office of Health Re-
2 form.

3 (2) Assistant to the President for Energy and
4 Climate Change.

5 (3) Special Envoy for Climate Change.

6 (4) Special Advisor for Green Jobs, Enterprise
7 and Innovation, Council on Environmental Quality.

8 (5) Senior Advisor to the Secretary of the
9 Treasury assigned to the Presidential Task Force on
10 the Auto Industry and Senior Counselor for Manu-
11 facturing Policy.

12 (6) White House Director of Urban Affairs.

13 (7) Special Envoy to oversee the closure of the
14 Detention Center at Guantanamo Bay.

15 (8) Special Master for TARP Executive Com-
16 pensation, Department of the Treasury.

17 (9) Associate General Counsel and Chief Diver-
18 sity Officer, Federal Communications Commission.

19 SEC. 4010. The amounts otherwise provided by this
20 Act are revised by reducing the amount made available
21 for “Department of Health and Human Services, Health
22 Resources and Services Administration, Health Resources
23 and Services”, by reducing the amount made available for
24 “Department of Health and Human Services, Centers for
25 Disease Control and Prevention, Disease Control, Re-

1 search, and Training”, by reducing the amount made
2 available for “Department of Health and Human Services,
3 National Institutes of Health”, and by increasing the
4 amount made available for “Department of Health and
5 Human Services, Health Resources and Services Adminis-
6 tration, Health Resources and Services”, by \$14,000,000,
7 by \$14,000,000, by an additional \$14,000,000, and by
8 \$42,000,000, respectively.

9 SEC. 4011. None of the funds made available by this
10 Act may be used to provide any of the following types of
11 assistance to Chad: international military education and
12 training (IMET), foreign military financing (FMF), provi-
13 sion of excess defense articles, foreign military forces ca-
14 pacity assistance (section 1206 of the National Defense
15 Authorization Act for Fiscal Year 2006), and direct com-
16 mercial sales of military equipment.

17 SEC. 4012. None of the funds made available by this
18 Act may be used to—

19 (1) implement, administer, or enforce the final
20 regulations on “Program Integrity: Gainful Employ-
21 ment—New Programs” published by the Depart-
22 ment of Education in the Federal Register on Octo-
23 ber 29, 2010 (75 Fed. Reg. 66665 et seq.);

24 (2) issue a final rule or otherwise implement
25 the proposed rule on “Program Integrity: Gainful

1 Employment” published by the Department of Edu-
2 cation on July 26, 2010 (75 Fed. Reg. 43616 et
3 seq.);

4 (3) implement, administer, or enforce section
5 668.6 of title 34, Code of Federal Regulations, (re-
6 lating to gainful employment), as amended by the
7 final regulations published by the Department of
8 Education in the Federal Register on October 29,
9 2010 (75 Fed Reg. 66832 et seq.); or

10 (4) promulgate or enforce any new regulation
11 or rule with respect to the definition or application
12 of the term “gainful employment” under the Higher
13 Education Act of 1965 on or after the date of enact-
14 ment of this Act.

15 SEC. 4013. None of the funds made available by this
16 Act may be made available for any purpose to Planned
17 Parenthood Federation of America, Inc. or any of the fol-
18 lowing affiliates of Planned Parenthood Federation of
19 America, Inc.:

20 (1) Planned Parenthood Southeast in Atlanta,
21 Georgia.

22 (2) Planned Parenthood of the Great Northwest
23 in Seattle, Washington.

24 (3) Planned Parenthood Arizona in Phoenix,
25 Arizona.

- 1 (4) Planned Parenthood of Arkansas and East-
2 ern Oklahoma in Tulsa, Oklahoma.
- 3 (5) Planned Parenthood of Greater Memphis
4 Region in Memphis, Tennessee.
- 5 (6) Planned Parenthood Affiliates of California
6 in Sacramento, California.
- 7 (7) Planned Parenthood Los Angeles in Los
8 Angeles, California.
- 9 (8) Planned Parenthood Mar Monte in San
10 Jose, California.
- 11 (9) Planned Parenthood of Orange & San
12 Bernardino Counties, Inc. in Orange, California.
- 13 (10) Planned Parenthood Pasadena and San
14 Gabriel Valley, Inc. in Pasadena, California.
- 15 (11) Planned Parenthood of the Pacific South-
16 west in San Diego, California.
- 17 (12) Planned Parenthood of Santa Barbara,
18 Ventura & San Luis Obispo Counties in Santa Bar-
19 bara, California.
- 20 (13) Planned Parenthood: Shasta-Diablo in
21 Concord, California.
- 22 (14) Six Rivers Planned Parenthood in Eureka,
23 California.
- 24 (15) Planned Parenthood of the Rocky Moun-
25 tains in Denver, Colorado.

1 (16) Planned Parenthood of Southern New
2 England, Inc. in New Haven, Connecticut.

3 (17) Planned Parenthood of Delaware in Wil-
4 mington, Delaware.

5 (18) Planned Parenthood of Metropolitan
6 Washington, D.C., Inc. in Washington, District of
7 Columbia.

8 (19) Florida Association of Planned Parenthood
9 Affiliates in Sarasota, Florida.

10 (20) Planned Parenthood of Collier County in
11 Naples, Florida.

12 (21) Planned Parenthood of Greater Orlando,
13 Inc. in Orlando, Florida.

14 (22) Planned Parenthood of North Florida in
15 Jacksonville, Florida.

16 (23) Planned Parenthood of South Florida and
17 the Treasure Coast, Inc. in West Palm Beach, Flor-
18 ida.

19 (24) Planned Parenthood of Southwest and
20 Central Florida, Inc. in Sarasota, Florida.

21 (25) Planned Parenthood of Hawaii in Hono-
22 lulu, Hawaii.

23 (26) Planned Parenthood of Greater Wash-
24 ington and North Idaho in Yakima, Washington.

1 (27) Planned Parenthood of Illinois in Chicago,
2 Illinois.

3 (28) Planned Parenthood of the St. Louis Re-
4 gion in St. Louis, Missouri.

5 (29) Planned Parenthood of Indiana, Inc. in In-
6 dianapolis, Indiana.

7 (30) Iowa Planned Parenthood Affiliate League
8 in Des Moines, Iowa.

9 (31) Planned Parenthood of East Central Iowa
10 in Cedar Rapids, Iowa.

11 (32) Planned Parenthood of the Heartland in
12 Des Moines, Iowa.

13 (33) Planned Parenthood of Southeast Iowa in
14 Burlington, Iowa.

15 (34) Planned Parenthood of Kansas and Mid-
16 Missouri in Overland Park, Kansas.

17 (35) Planned Parenthood of Kentucky, Inc. in
18 Louisville, Kentucky.

19 (36) Planned Parenthood Southwest Ohio Re-
20 gion in Cincinnati, Ohio.

21 (37) Planned Parenthood Gulf Coast, Inc. in
22 Houston, Texas.

23 (38) Planned Parenthood of Northern New
24 England in Williston, Vermont.

1 (39) Planned Parenthood of Maryland, Inc. in
2 Baltimore, Maryland.

3 (40) Planned Parenthood League of Massachu-
4 setts in Boston, Massachusetts.

5 (41) Planned Parenthood Affiliates of Michigan
6 in Lansing, Michigan.

7 (42) Planned Parenthood of West and Northern
8 Michigan in Grand Rapids, Michigan.

9 (43) Planned Parenthood Mid and South Michi-
10 gan in Ann Arbor, Michigan.

11 (44) Planned Parenthood of South Central
12 Michigan in Kalamazoo, Michigan.

13 (45) Planned Parenthood of Minnesota, North
14 Dakota, South Dakota in St. Paul, Minnesota.

15 (46) Planned Parenthood of Southwest Mis-
16 souri in St. Louis, Missouri.

17 (47) Tri-Rivers Planned Parenthood in Rolla,
18 Missouri.

19 (48) Planned Parenthood of Montana, Inc. in
20 Billings, Montana.

21 (49) Planned Parenthood of the Heartland in
22 Omaha, Nebraska.

23 (50) Planned Parenthood Affiliates of New Jer-
24 sey in Trenton, New Jersey.

1 (51) Planned Parenthood Association of the
2 Mercer Area in Trenton, New Jersey.

3 (52) Planned Parenthood of Central New Jer-
4 sey in Shrewsbury, New Jersey.

5 (53) Planned Parenthood of Greater Northern
6 New Jersey, Inc. in Morristown, New Jersey.

7 (54) Planned Parenthood of Metropolitan New
8 Jersey in Newark, New Jersey.

9 (55) Planned Parenthood of Southern New Jer-
10 sey in Camden, New Jersey.

11 (56) Planned Parenthood of New Mexico, Inc.
12 in Albuquerque, New Mexico.

13 (57) Family Planning Advocates of New York
14 State in Albany, New York.

15 (58) Planned Parenthood Hudson Peconic, Inc.
16 in Hawthorne, New York.

17 (59) Planned Parenthood Mohawk Hudson in
18 Utica, New York.

19 (60) Planned Parenthood of Mid-Hudson Val-
20 ley, Inc. in Poughkeepsie, New York.

21 (61) Planned Parenthood of Nassau County,
22 Inc. in Hempstead, New York.

23 (62) Planned Parenthood of New York City,
24 Inc. in New York, New York.

1 (63) Planned Parenthood of the North Country
2 New York, Inc. in Watertown, New York.

3 (64) Planned Parenthood of South Central New
4 York, Inc. in Oneonta, New York.

5 (65) Planned Parenthood of the Rochester/Syr-
6 acuse Region in Rochester, New York.

7 (66) Planned Parenthood of the Southern Fin-
8 ger Lakes in Ithaca, New York.

9 (67) Planned Parenthood of Western New
10 York, Inc. in Buffalo, New York.

11 (68) Upper Hudson Planned Parenthood, Inc.
12 in Albany, New York.

13 (69) Planned Parenthood Health Systems, Inc.
14 in Raleigh, North Carolina.

15 (70) Planned Parenthood of Central North
16 Carolina in Chapel Hill, North Carolina.

17 (71) Planned Parenthood Affiliates of Ohio in
18 Columbus, Ohio.

19 (72) Planned Parenthood of Central Ohio, Inc.
20 in Columbus, Ohio.

21 (73) Planned Parenthood of Northeast Ohio in
22 Akron, Ohio.

23 (74) Planned Parenthood of Northwest Ohio in
24 Toledo, Ohio.

1 (75) Planned Parenthood of Southeast Ohio in
2 Athens, Ohio.

3 (76) Planned Parenthood of Central Oklahoma,
4 Inc. in Oklahoma City, Oklahoma.

5 (77) Planned Parenthood Advocates of Oregon
6 in Eugene, Oregon.

7 (78) Planned Parenthood of Southwestern Or-
8 egon in Eugene, Oregon.

9 (79) Planned Parenthood Columbia Willamette
10 in Portland, Oregon.

11 (80) Planned Parenthood Pennsylvania Advo-
12 cates in Harrisburg, Pennsylvania.

13 (81) Planned Parenthood Association of Bucks
14 County in Warminster, Pennsylvania.

15 (82) Planned Parenthood of Central Pennsylv-
16 vania, Inc. in York, Pennsylvania.

17 (83) Planned Parenthood of Northeast and
18 Mid-Penn in Trexlertown, Pennsylvania.

19 (84) Planned Parenthood of Western Pennsylv-
20 vania in Pittsburgh, Pennsylvania.

21 (85) Planned Parenthood Southeastern Penn-
22 sylvania in Philadelphia, Pennsylvania.

23 (86) Planned Parenthood of Middle and East
24 Tennessee, Inc. in Nashville, Tennessee.

1 (87) Texas Association of Planned Parenthood
2 Affiliates in Austin, Texas.

3 (88) Planned Parenthood Association of Cam-
4 eron & Willacy Counties, Inc. in Brownsville, Texas.

5 (89) Planned Parenthood Association of Hi-
6 dalgo County, Inc. in McAllen, Texas.

7 (90) Planned Parenthood Association of Lub-
8 bock, Inc. in Lubbock, Texas.

9 (91) Planned Parenthood of Central Texas, Inc.
10 in Waco, Texas.

11 (92) Planned Parenthood of North Texas, Inc.
12 in Dallas, Texas.

13 (93) Planned Parenthood of the Texas Capital
14 Region in Austin, Texas.

15 (94) Planned Parenthood of West Texas, Inc.
16 in Odessa, Texas.

17 (95) Planned Parenthood Trust of San Antonio
18 and South Central Texas in San Antonio, Texas.

19 (96) Planned Parenthood Association of Utah
20 in Salt Lake City, Utah.

21 (97) Planned Parenthood Advocates of Virginia
22 in Charlottesville, Virginia.

23 (98) Planned Parenthood of Southeastern Vir-
24 ginia, Inc. in Hampton, Virginia.

1 (99) Virginia League for Planned Parenthood
2 in Richmond, Virginia.

3 (100) Planned Parenthood Public Policy Net-
4 work of Washington in Seattle, Washington.

5 (101) Mt. Baker Planned Parenthood in Bel-
6 lingham, Washington.

7 (102) Planned Parenthood of Wisconsin, Inc. in
8 Milwaukee, Wisconsin.

9 SEC. 4014. None of the funds made available by this
10 Act may be used by the Environmental Appeals Board to
11 consider, review, reject, remand, or otherwise invalidate
12 any permit issued for Outer Continental Shelf sources lo-
13 cated offshore of the States along the Arctic Coast under
14 section 328(a) of the Clean Air Act (42 U.S.C. 7627(a)).

15 SEC. 4015. (a) None of the funds made available by
16 this Act may be used by the Environmental Protection
17 Agency to implement, administer, or enforce any statutory
18 or regulatory requirement pertaining to emissions of ear-
19 bon dioxide, methane, nitrous oxide, sulfur hexafluoride,
20 hydrofluorocarbons, or perfluorocarbons from stationary
21 sources that is issued or becomes applicable or effective
22 after January 1, 2011.

23 (b) In this section, the term “stationary source” has
24 the meaning given such term in section 111(a)(3) of the
25 Clean Air Act (42 U.S.C. 7411(a)(3)).

1 SEC. 4016. None of the funds made available by this
2 Act may be paid to any employee, officer, contractor, or
3 grantee of any department or agency funded by title VIII
4 of division B of this Act to implement the provisions of
5 Public Law 111–148 or title I or subtitle B of title II
6 of Public Law 111–152.

7 SEC. 4017. None of the funds made available by this
8 Act may be used to carry out the provisions of Public Law
9 111–152, or any amendment made by either such Public
10 Law.

11 SEC. 4018. None of the funds made available by this
12 Act may be used to pay the salary of any officer or em-
13 ployee of any Federal department or agency with respect
14 to carrying out the provisions of Public Law 111–148,
15 Public Law 111–152, or any amendment made by either
16 such Public Law.

17 SEC. 4019. None of the funds made available by this
18 Act may be used by the Internal Revenue Service to imple-
19 ment or enforce section 5000A of the Internal Revenue
20 Code of 1986, section 6055 of such Code, section 1502(e)
21 of the Patient Protection and Affordable Care Act, or any
22 amendments made by section 1502(b) of such Act.

23 SEC. 4020. None of the funds made available by this
24 Act may be used to take any action to effect or implement

1 the disestablishment, closure, or realignment of the United
2 States Joint Forces Command.

3 SEC. 4021. None of the funds made available by this
4 Act may be used to change any rate of salary or basic
5 pay pursuant to section 1113 of Public Law 111–32.

6 SEC. 4022. None of the funds appropriated by this
7 Act may be used for the Community Connect broadband
8 grant program administered by the Rural Utilities Service
9 of the Department of Agriculture.

10 SEC. 4023. None of the funds made available by this
11 Act may be used to provide assistance to Saudi Arabia.

12 SEC. 4024. None of the funds made available by this
13 Act for “International Military Education and Training”
14 may be used for assistance for Saudi Arabia.

15 SEC. 4025. None of the funds made available by this
16 Act for “Nonproliferation, Anti-terrorism, Demining and
17 Related Programs” may be used for assistance for Saudi
18 Arabia.

19 SEC. 4026. None of the funds made available by this
20 Act may be used to pay the salaries and expenses of per-
21 sonnel of the Department of Agriculture to provide non-
22 recourse marketing assistance loans for mohair under sec-
23 tion 1201 of the Food, Conservation, and Energy Act of
24 2008 (7 U.S.C. 8731).

1 ~~SEC. 4027. None of the funds made available by divi-~~
2 ~~sion B may be used by the Department of Health and~~
3 ~~Human Services to implement or enforce section 2718 of~~
4 ~~the Public Health Service Act, as added by section~~
5 ~~1001(5) and replaced by section 10101(f) of the Patient~~
6 ~~Protection and Affordable Care Act (Public Law 111-~~
7 ~~148).~~

8 ~~SEC. 4028. None of the funds made available by this~~
9 ~~Act may be used to implement the Klamath Dam Removal~~
10 ~~and Sedimentation Study.~~

11 ~~SEC. 4029. None of the funds made available by this~~
12 ~~Act may be used by the Secretary of Agriculture to imple-~~
13 ~~ment or enforce Subpart B of the Travel Management~~
14 ~~Rule (subpart B of part 212 of title 36, Code of Federal~~
15 ~~Regulations), relating to the designation of roads, trails,~~
16 ~~and areas for motor vehicle use, in any administrative unit~~
17 ~~of the National Forest System.~~

18 ~~SEC. 4030. None of the funds made available by this~~
19 ~~Act may be used to require a person licensed under section~~
20 ~~923 of title 18, United States Code, to report information~~
21 ~~to the Department of Justice regarding the sale of mul-~~
22 ~~tiiple rifles or shotguns to the same person.~~

23 ~~SEC. 4031. None of the funds made available by divi-~~
24 ~~sion A of this Act for Department of Defense, Operation~~
25 ~~and Maintenance, Defense-wide may be used for official~~

1 representation purposes, as defined by Department of De-
2 fense Instruction 7250.13, dated June 30, 2009.

3 SEC. 4032. None of the funds made available by divi-
4 sion B of this Act may be used to develop, carry out, im-
5 plement, or otherwise enforce proposed regulations pub-
6 lished June 18, 2010 (75 Fed. Reg. 34,667) by the Office
7 of Surface Mining Reclamation and Enforcement of the
8 Department of the Interior.

9 SEC. 4033. None of the funds made available by this
10 Act may be used to develop, promulgate, evaluate, imple-
11 ment, provide oversight to, or backstop total maximum
12 daily loads or watershed implementation plans for the
13 Chesapeake Bay Watershed.

14 SEC. 4034. None of the funds made available by this
15 Act may be used to pay the salary of any officer or em-
16 ployee of the Department of Health and Human Services
17 who develops or promulgates regulations or guidance with
18 regard to Exchanges under subtitle D of title I of the Pa-
19 tient Protection and Affordable Care Act (42 U.S.C.
20 18021 et seq.).

21 SEC. 4035. None of the funds made available by this
22 Act may be used to implement, administer, or enforce the
23 rule entitled “Water Quality Standards for the State of
24 Florida’s Lakes and Flowing Waters” published in the

1 Federal Register by the Environmental Protection Agency
2 on December 6, 2010 (75 Fed. Reg. 75762 et seq.).

3 SEC. 4036. None of the funds made available in this
4 Act may be used for the design, renovation, construction,
5 or rental of any headquarters for the United Nations in
6 any location in the United States.

7 SEC. 4037. None of the funds made available by this
8 Act may be used for the construction of an ethanol blender
9 pump or an ethanol storage facility.

10 SEC. 4038. None of the funds made available by this
11 Act may be used to implement, establish, or create a
12 NOAA Climate Service (NCS) as described in the “Draft
13 NOAA Climate Service Strategic Vision and Framework”
14 published at 75 Fed. Reg. 57739 (September 22, 2010)
15 and updated on December 20, 2010.

16 SEC. 4039. None of the funds made available by this
17 Act to the Environmental Protection Agency, the Corps
18 of Engineers, or the Office of Surface Mining Reclamation
19 and Enforcement may be used to carry out, implement,
20 administer, or enforce any policy or procedure set forth
21 in—

22 (1) the memorandum issued by the Environ-
23 mental Protection Agency and Department of the
24 Army entitled “Enhanced Surface Coal Mining

1 Pending Permit Coordination Procedures”, dated
2 June 11, 2009; or

3 (2) the guidance (or any revised version there-
4 of) issued by the Environmental Protection Agency
5 entitled “Improving EPA Review of Appalachian
6 Surface Coal Mining Operations under the Clean
7 Water Act, National Environmental Policy Act, and
8 the Environmental Justice Executive Order”, dated
9 April 1, 2010.

10 SEC. 4040. None of the funds made available by this
11 Act may be used to develop or approve a new limited ac-
12 cess privilege program (as that term is used in section
13 303A the Magnuson-Stevens Fishery Conservation and
14 Management Act (16 U.S.C. 1853a) for any fishery under
15 the jurisdiction of the South Atlantic, Mid-Atlantic, New
16 England, or Gulf of Mexico Fishery Management Council.

17 SEC. 4041. None of the funds made available by this
18 Act may be used for the study of the Missouri River
19 Projects authorized in section 108 of the Energy and
20 Water Development and Related Agencies Appropriations
21 Act, 2009 (division C of Public Law 111-8).

22 SEC. 4042. None of the funds made available by this
23 Act may be used for contributions to the Intergovern-
24 mental Panel on Climate Change (IPCC).

1 SEC. 4043. No funds made available by this Act may
2 be used to implement—

3 (1) the decision of the Administrator of the En-
4 vironmental Protection Agency entitled “Partial
5 Grant and Partial Denial of Clean Air Act Waiver
6 Application Submitted by Growth Energy To In-
7 crease the Allowable Ethanol Content of Gasoline to
8 15 Percent” published in the Federal Register on
9 November 4, 2010 (75 Fed. Reg. 68093 et seq.); or

10 (2) the decision of the Administrator of the En-
11 vironmental Protection Agency entitled “Partial
12 Grant of Clean Air Act Waiver Application Sub-
13 mitted by Growth Energy To Increase the Allowable
14 Ethanol Content of Gasoline to 15 Percent” pub-
15 lished in the Federal Register on January 26, 2011
16 (76 Fed. Reg. 4662 et seq.).

17 SEC. 4044. None of the funds made available by this
18 Act may be used by the Administrator of the Environ-
19 mental Protection Agency to carry out section 404(e) of
20 the Federal Water Pollution Control Act (33 U.S.C.
21 1344(e)).

22 SEC. 4045. None of the funds made available by this
23 Act may be used by the Environmental Protection Agency
24 to develop, propose, finalize, implement, administer, or en-
25 force any regulation that identifies or lists fossil fuel com-

1 bustion waste as hazardous waste subject to regulation
2 under subtitle C of the Solid Waste Disposal Act (42
3 U.S.C. 6921 et seq.) or otherwise makes fossil fuel com-
4 bustion waste subject to regulation under such subtitle.

5 SEC. 4046. None of the funds made available by this
6 Act may be used to carry out any of the activities de-
7 scribed in section 6A of the Consumer Product Safety Act
8 (15 U.S.C. 2055a).

9 SEC. 4047. None of the funds made available by this
10 Act may be used to pay the salary of any officer or em-
11 ployee of the Center for Consumer Information and Insur-
12 ance Oversight in the Department of Health and Human
13 Services.

14 SEC. 4048. No funds made available by this Act may
15 be used to modify the national primary ambient air quality
16 standard or the national secondary ambient air quality
17 standard applicable to coarse particulate matter under
18 section 109 of the the Clean Air Act.

19 SEC. 4049. None of the funds made available by this
20 Act may be used to pay the salary of any officer or em-
21 ployee of the Department of Health and Human Services,
22 the Department of Labor, or the Department of the
23 Treasury who takes any action to specify or define,
24 through regulations, guidelines, or otherwise, essential

1 benefits under section ~~1302~~ of the Patient Protection and
 2 Affordable Care Act (~~42 U.S.C. 18022~~).

3 ~~SEC. 4050.~~ None of the funds made available by this
 4 Act may be used to implement section ~~1899A~~ of the Social
 5 Security Act (~~42 U.S.C. 1395kkk~~), as added by section
 6 ~~3403~~ of the Patient Protection and Affordable Care Act
 7 (~~Public Law 111-148~~).

8 ~~SEC. 4051.~~ None of the funds made available by this
 9 Act may be used to carry out paragraph ~~(11)~~ of section
 10 ~~101~~ of Public Law ~~111-226~~ (~~124 Stat. 2389~~).

11 This Act may be cited as the “~~Full-Year Continuing~~
 12 ~~Appropriations Act, 2011~~”.

13 *That the following sums are hereby appropriated, out of*
 14 *any money in the Treasury not otherwise appropriated, for*
 15 *fiscal year 2013, and for other purposes, namely:*

16 *SUPPLEMENTAL APPROPRIATIONS FOR*

17 *DISASTER ASSISTANCE*

18 *TITLE I*

19 *DEPARTMENT OF AGRICULTURE*

20 *AGRICULTURAL PROGRAMS*

21 *FARM SERVICE AGENCY*

22 *EMERGENCY CONSERVATION PROGRAM*

23 *For necessary expenses for the “Emergency Conserva-*
 24 *tion Program”, \$25,090,000, to remain available until ex-*
 25 *pendent, of which \$15,000,000 is for expenses resulting from*

1 *a major disaster declared pursuant to the Robert T. Staf-*
2 *ford Disaster Relief and Emergency Assistance Act (42*
3 *U.S.C. 5121 et. seq.): Provided, That such amount is des-*
4 *ignated by the Congress as being for an emergency require-*
5 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
6 *Budget and Emergency Deficit Control Act of 1985.*

7 *EMERGENCY FOREST RESTORATION PROGRAM*

8 *For necessary expenses for the “Emergency Forest Res-*
9 *toration Program”, \$58,855,000, to remain available until*
10 *expended, of which \$49,010,000 is for expenses resulting*
11 *from a major disaster declared pursuant to the Robert T.*
12 *Stafford Disaster Relief and Emergency Assistance Act (42*
13 *U.S.C. 5121 et. seq.): Provided, That such amount is des-*
14 *ignated by the Congress as being for an emergency require-*
15 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
16 *Budget and Emergency Deficit Control Act of 1985.*

17 *CONSERVATION PROGRAMS*

18 *NATURAL RESOURCES CONSERVATION SERVICE*

19 *EMERGENCY WATERSHED PROTECTION PROGRAM*

20 *For necessary expenses for the “Emergency Watershed*
21 *Protection Program”, \$125,055,000, to remain available*
22 *until expended, of which \$77,085,000 is for expenses result-*
23 *ing from a major disaster declared pursuant to the Robert*
24 *T. Stafford Disaster Relief and Emergency Assistance Act*
25 *(42 U.S.C. 5121 et. seq.): Provided, That unobligated bal-*

1 *ances for the “Emergency Watershed Protection Program”*
2 *provided in Public Law 108–199, Public Law 109–234, and*
3 *Public Law 110–28 shall be available for the purposes of*
4 *such program for disasters, and shall remain available*
5 *until expended: Provided further, That such amounts are*
6 *designated by the Congress as being for an emergency re-*
7 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
8 *anced Budget and Emergency Deficit Control Act of 1985.*

9 *DOMESTIC FOOD PROGRAMS*

10 *FOOD AND NUTRITION SERVICE*

11 *COMMODITY ASSISTANCE PROGRAM*

12 *For an additional amount for the emergency food as-*
13 *sistance program as authorized by section 27(a) of the Food*
14 *and Nutrition Act of 2008 (7 U.S.C. 2036(a)) and section*
15 *204(a)(1) of the Emergency Food Assistance Act of 1983*
16 *(7 U.S.C. 7508(a)(1)), \$15,000,000, to remain available*
17 *through September 30, 2014: Provided, That notwith-*
18 *standing any other provisions of the Emergency Food As-*
19 *sistance Act of 1983 (the “Act”), the Secretary may allocate*
20 *additional foods and funds for administrative expenses*
21 *from resources specifically appropriated, transferred, or re-*
22 *programmed to restore to states resources used to assist fam-*
23 *ilies and individuals displaced by Hurricane Sandy among*
24 *the states without regard to sections 204 and 214 of the*
25 *Act: Provided further, That such amount is designated by*

1 *the Congress as being for an emergency requirement pursu-*
2 *ant to section 251(b)(2)(A)(i) of the Balanced Budget and*
3 *Emergency Deficit Control Act of 1985 (Public Law 99-*
4 *177), as amended.*

5 *TITLE II*

6 *DEPARTMENT OF COMMERCE*

7 *NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION*

8 *OPERATIONS, RESEARCH, AND FACILITIES*

9 *For an additional amount for “Operations, Research,*
10 *and Facilities”, \$373,000,000 to remain available until*
11 *September 30, 2014, as follows—*

12 *(1) \$6,200,000 to repair and replace ocean ob-*
13 *servicing and coastal monitoring assets damaged by*
14 *Hurricane Sandy;*

15 *(2) \$10,000,000 to repair and improve weather*
16 *forecasting capabilities and infrastructure;*

17 *(3) \$150,000,000 to evaluate, stabilize and re-*
18 *store coastal ecosystems affected by Hurricane Sandy;*

19 *(4) \$56,800,000 for mapping, charting, damage*
20 *assessment, and marine debris coordination and re-*
21 *mediation; and*

22 *(5) \$150,000,000, for necessary expenses related*
23 *to fishery disasters as declared by the Secretary of*
24 *Commerce in calendar year 2012:*

1 *Provided, That the National Oceanic and Atmospheric Ad-*
2 *ministration shall submit a spending plan to the Commit-*
3 *tees on Appropriations of the House of Representatives and*
4 *the Senate within 45 days after the date of enactment of*
5 *this Act: Provided further, That such amount is designated*
6 *by the Congress as being for an emergency requirement pur-*
7 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
8 *Emergency Deficit Control Act of 1985.*

9 *PROCUREMENT, ACQUISITION AND CONSTRUCTION*

10 *For an additional amount for “Procurement, Acquisi-*
11 *tion and Construction”, \$109,000,000, to remain available*
12 *until September 30, 2015, as follows—*

13 *(1) \$47,000,000 for the Coastal and Estuarine*
14 *Land Conservation Program to support State and*
15 *local restoration in areas affected by Hurricane*
16 *Sandy;*

17 *(2) \$9,000,000 to repair National Oceanic and*
18 *Atmospheric Administration (NOAA) facilities dam-*
19 *aged by Hurricane Sandy;*

20 *(3) \$44,500,000 for repairs and upgrades to*
21 *NOAA hurricane reconnaissance aircraft; and*

22 *(4) \$8,500,000 for improvements to weather fore-*
23 *casting equipment and supercomputer infrastructure:*

24 *Provided, That NOAA shall submit a spending plan to the*
25 *Committees on Appropriations of the House of Representa-*

1 *tives and the Senate within 45 days after the date of enact-*
2 *ment of this Act: Provided further, That such amount is*
3 *designated by the Congress as being for an emergency re-*
4 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
5 *anced Budget and Emergency Deficit Control Act of 1985.*

6 *DEPARTMENT OF JUSTICE*

7 *GENERAL ADMINISTRATION*

8 *OFFICE OF INSPECTOR GENERAL*

9 *For an additional amount for “General Administra-*
10 *tion, Office of Inspector General” for necessary expenses re-*
11 *lated to the consequences of Hurricane Sandy, \$20,000, to*
12 *remain available until September 30, 2013: Provided, That*
13 *such amount is designated by the Congress as being for an*
14 *emergency requirement pursuant to section 251(b)(2)(A)(i)*
15 *of the Balanced Budget and Emergency Deficit Control Act*
16 *of 1985.*

17 *FEDERAL BUREAU OF INVESTIGATION*

18 *SALARIES AND EXPENSES*

19 *For an additional amount for “Federal Bureau of In-*
20 *vestigation, Salaries and Expenses” for necessary expenses*
21 *related to the consequences of Hurricane Sandy, \$4,000,000,*
22 *to remain available until September 30, 2013: Provided,*
23 *That such amount is designated by the Congress as being*
24 *for an emergency requirement pursuant to section*

1 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
2 *Deficit Control Act of 1985.*

3 *DRUG ENFORCEMENT ADMINISTRATION*

4 *SALARIES AND EXPENSES*

5 *For an additional amount for “Drug Enforcement Ad-*
6 *ministration, Salaries and Expenses” for necessary ex-*
7 *penses related to the consequences of Hurricane Sandy,*
8 *\$1,000,000, to remain available until September 30, 2013;*
9 *Provided, That such amount is designated by the Congress*
10 *as being for an emergency requirement pursuant to section*
11 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
12 *Deficit Control Act of 1985.*

13 *BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND*

14 *EXPLOSIVES*

15 *SALARIES AND EXPENSES*

16 *For an additional amount for “Bureau of Alcohol, To-*
17 *bacco, Firearms and Explosives, Salaries and Expenses” for*
18 *necessary expenses related to the consequences of Hurricane*
19 *Sandy, \$230,000, to remain available until September 30,*
20 *2013: Provided, That such amount is designated by the*
21 *Congress as being for an emergency requirement pursuant*
22 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
23 *Emergency Deficit Control Act of 1985.*

1 *FEDERAL PRISON SYSTEM*2 *BUILDINGS AND FACILITIES*

3 *For an additional amount for “Federal Prison Sys-*
4 *tem, Buildings and Facilities” for necessary expenses re-*
5 *lated to the consequences of Hurricane Sandy, \$10,000,000,*
6 *to remain available until expended: Provided, That such*
7 *amount is designated by the Congress as being for an emer-*
8 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
9 *the Balanced Budget and Emergency Deficit Control Act*
10 *of 1985.*

11 *SCIENCE*12 *NATIONAL AERONAUTICS AND SPACE ADMINISTRATION*13 *CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND*14 *RESTORATION*

15 *For an additional amount for “Construction and En-*
16 *vironmental Compliance and Restoration” for repair at*
17 *National Aeronautics and Space Administration facilities*
18 *damaged by Hurricane Sandy, \$15,000,000, to remain*
19 *available until September 30, 2018: Provided, That such*
20 *amount is designated by the Congress as being for an emer-*
21 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
22 *the Balanced Budget and Emergency Deficit Control Act*
23 *of 1985.*

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RELATED AGENCIES

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For an additional amount for “Legal Services Corporation, Payment to the Legal Services Corporation” to carry out the purposes of the Legal Services Corporation Act by providing for necessary expenses related to the consequences of Hurricane Sandy, \$1,000,000, to remain available until September 30, 2013: Provided, That the amount made available under this heading shall be used only to provide the mobile resources, technology, and disaster coordinators necessary to provide storm-related services to the Legal Services Corporation client population and only in the areas significantly affected by Hurricane Sandy: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That none of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all ref-

1 *erences in sections 502 and 503 to 1997 and 1998 shall*
2 *be deemed to refer instead to 2012 and 2013, respectively,*
3 *and except that sections 501 and 503 of Public Law 104–*
4 *134 (referenced by Public Law 105–119) shall not apply*
5 *to the amount made available under this heading.*

6 *TITLE III*

7 *DEPARTMENT OF DEFENSE*

8 *DEPARTMENT OF DEFENSE—MILITARY*

9 *OPERATION AND MAINTENANCE*

10 *OPERATION AND MAINTENANCE, ARMY*

11 *For an additional amount for “Operation and Mainte-*
12 *nance, Army”, \$5,370,000, to remain available until Sep-*
13 *tember 30, 2013, for necessary expenses related to the con-*
14 *sequences of Hurricane Sandy: Provided, That such amount*
15 *is designated by the Congress as being for an emergency*
16 *requirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
17 *anced Budget and Emergency Deficit Control Act of 1985.*

18 *OPERATION AND MAINTENANCE, NAVY*

19 *For an additional amount for “Operation and Mainte-*
20 *nance, Navy”, \$40,015,000, to remain available until Sep-*
21 *tember 30, 2013, for necessary expenses related to the con-*
22 *sequences of Hurricane Sandy: Provided, That such amount*
23 *is designated by the Congress as being for an emergency*
24 *requirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
25 *anced Budget and Emergency Deficit Control Act of 1985.*

1 *OPERATION AND MAINTENANCE, AIR FORCE*

2 *For an additional amount for “Operation and Mainte-*
3 *nance, Air Force”, \$8,500,000, to remain available until*
4 *September 30, 2013, for necessary expenses related to the*
5 *consequences of Hurricane Sandy: Provided, That such*
6 *amount is designated by the Congress as being for an emer-*
7 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
8 *the Balanced Budget and Emergency Deficit Control Act*
9 *of 1985.*

10 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

11 *For an additional amount for “Operation and Mainte-*
12 *nance, Army National Guard”, \$3,165,000, to remain*
13 *available until September 30, 2013, for necessary expenses*
14 *related to the consequences of Hurricane Sandy: Provided,*
15 *That such amount is designated by the Congress as being*
16 *for an emergency requirement pursuant to section*
17 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
18 *Deficit Control Act of 1985.*

19 *OPERATION AND MAINTENANCE, AIR NATIONAL GUARD*

20 *For an additional amount for “Operation and Mainte-*
21 *nance, Air National Guard”, \$5,775,000, to remain avail-*
22 *able until September 30, 2013, for necessary expenses re-*
23 *lated to the consequences of Hurricane Sandy: Provided,*
24 *That such amount is designated by the Congress as being*
25 *for an emergency requirement pursuant to section*

1 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
2 *Deficit Control Act of 1985.*

3 *PROCUREMENT*

4 *PROCUREMENT OF AMMUNITION, ARMY*

5 *For an additional amount for “Procurement of Am-*
6 *munition, Army”, \$1,310,000, to remain available until*
7 *September 30, 2015, for necessary expenses related to the*
8 *consequences of Hurricane Sandy: Provided, That such*
9 *amount is designated by the Congress as being for an emer-*
10 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
11 *the Balanced Budget and Emergency Deficit Control Act*
12 *of 1985.*

13 *REVOLVING AND MANAGEMENT FUNDS*

14 *DEFENSE WORKING CAPITAL FUNDS*

15 *For an additional amount for “Defense Working Cap-*
16 *ital Funds”, \$24,200,000, to remain available until Sep-*
17 *tember 30, 2013, for necessary expenses related to the con-*
18 *sequences of Hurricane Sandy: Provided, That such amount*
19 *is designated by the Congress as being for an emergency*
20 *requirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
21 *anced Budget and Emergency Deficit Control Act of 1985.*

1 *by the U.S. Army Corps of Engineers and impacted by*
2 *Hurricane Sandy for the purposes of determining their ef-*
3 *fectiveness and making recommendations for improvements*
4 *thereto: Provided further, That as a part of the study, the*
5 *Secretary shall identify institutional and other barriers to*
6 *providing comprehensive protection to affected coastal areas*
7 *and shall provide this report to the Committees on Appro-*
8 *priations of the House of Representatives and the Senate*
9 *within 120 days of enactment of this Act: Provided further,*
10 *That the amounts in this paragraph are designated by the*
11 *Congress as being for an emergency requirement pursuant*
12 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
13 *Emergency Deficit Control Act of 1985: Provided further,*
14 *That the Assistant Secretary of the Army for Civil Works*
15 *shall provide a monthly report to the Committees on Appro-*
16 *priations of the House of Representatives and the Senate*
17 *detailing the allocation and obligation of these funds, begin-*
18 *ning not later than 60 days after enactment of this Act.*

19 *CONSTRUCTION*

20 *(INCLUDING TRANSFER OF FUNDS)*

21 *For an additional amount for “Construction” to reha-*
22 *ilitate, repair and construct U.S. Army Corps of Engi-*
23 *neers projects related to the consequences of natural disas-*
24 *ters, \$3,461,000,000, to remain available until expended:*
25 *Provided, That \$2,902,000,000 of the funds provided under*

1 *this heading shall be used to reduce future flood risk in ways*
2 *that will support the long-term sustainability of the coastal*
3 *ecosystem and communities and reduce the economic costs*
4 *and risks associated with large-scale flood and storm events*
5 *that occurred in 2012 along the Gulf Coast and Atlantic*
6 *Coast within the boundaries of the North Atlantic and Mis-*
7 *sissippi Valley Divisions of the Corps that were affected by*
8 *Hurricanes Sandy and Isaac: Provided further, That efforts*
9 *using these funds shall incorporate current science and en-*
10 *gineering standards in constructing previously authorized*
11 *Corps projects designed to reduce flood and storm damage*
12 *risks and modifying existing Corps projects that do not*
13 *meet these standards, with such modifications as the Sec-*
14 *retary determines are necessary to incorporate these stand-*
15 *ards or to meet the goal of providing sustainable reduction*
16 *to flooding and storm damage risks: Provided further, That*
17 *these funds may be used to construct any project that is*
18 *currently under study by the Corps for reducing flooding*
19 *and storm damage risks in areas along the Atlantic coast*
20 *within the North Atlantic or the Gulf Coast within the Mis-*
21 *sissippi Valley Divisions of the U.S. Army Corps of Engi-*
22 *neers that suffered direct surge inundation impacts and sig-*
23 *nificant monetary damages from Hurricanes Isaac or*
24 *Sandy if the study demonstrates that the project will cost-*
25 *effectively reduce those risks and is environmentally accept-*

1 *able and technically feasible: Provided further, That local*
2 *interests shall provide all lands, easements, rights-of-way,*
3 *relocations and disposal areas (LERRDs) necessary for*
4 *projects using these funds at no cost to the Government:*
5 *Provided further, That cost sharing for implementation of*
6 *any projects using these funds shall be 90 percent Federal*
7 *and 10 percent non-Federal exclusive of LERRDs: Provided*
8 *further, That the non-Federal cash contribution for projects*
9 *using these funds shall be financed in accordance with the*
10 *provisions of section 103(k) of Public Law 99–662 over a*
11 *period of 30 years from the date of completion of the project*
12 *or separable element: Provided further, That for these*
13 *projects, the provisions of section 902 of the Water Resources*
14 *Development Act of 1986 shall not apply to these funds:*
15 *Provided further, That the Secretary may transfer up to*
16 *\$499,000,000 of the funds provided under this heading to*
17 *other U.S. Army Corps of Engineers Accounts to address*
18 *damages from previous natural disasters following normal*
19 *policies and cost sharing: Provided further, That the Com-*
20 *mittees on Appropriations of the House of Representatives*
21 *and the Senate shall be notified at least 15 days in advance*
22 *of any such transfer: Provided further, That up to*
23 *\$51,000,000 of the funds provided under this heading shall*
24 *be used to expedite continuing authorities projects along the*
25 *coastal areas in States impacted by Hurricane Sandy with-*

1 *in the boundaries of the North Atlantic Division: Provided*
2 *further, That \$9,000,000 of the funds provided under this*
3 *heading shall be used for repairs to projects that were under*
4 *construction and damaged by the impacts of Hurricane*
5 *Sandy: Provided further, That any projects using funds ap-*
6 *propriated under this heading shall be initiated only after*
7 *non-Federal interests have entered into binding agreements*
8 *with the Secretary requiring the non-Federal interests to*
9 *pay 100 percent of the operation, maintenance, repair, re-*
10 *placement, and rehabilitation costs of the project and to*
11 *hold and save the United States free from damages due to*
12 *the construction or operation and maintenance of the*
13 *project, except for damages due to the fault or negligence*
14 *of the United States or its contractors: Provided further,*
15 *That the Assistant Secretary of the Army for Civil Works*
16 *shall submit to the Committees on Appropriations of the*
17 *House of Representatives and the Senate a monthly report*
18 *detailing the allocation and obligation of these funds, begin-*
19 *ning not later than 60 days after the date of the enactment*
20 *of this Act.*

21 *OPERATION AND MAINTENANCE*

22 *For an additional amount for “Operation and Mainte-*
23 *nance”, \$821,000,000, to remain available until expended*
24 *to dredge Federal navigation channels and repair damage*
25 *to Corps projects nationwide related to natural disasters:*

1 *Provided, That such amount is designated by the Congress*
2 *as being for an emergency requirement pursuant section*
3 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
4 *Deficit Control Act of 1985: Provided further, That the As-*
5 *sistant Secretary of the Army for Civil Works shall provide*
6 *a monthly report to the Committees on Appropriations of*
7 *the House of Representatives and the Senate detailing the*
8 *allocation and obligation of these funds, beginning not later*
9 *than 60 days after enactment of this Act.*

10 *FLOOD CONTROL AND COASTAL EMERGENCIES*

11 *For an additional amount for “Flood Control and*
12 *Coastal Emergencies”, \$1,008,000,000, to remain available*
13 *until expended to prepare for flood, hurricane, and other*
14 *natural disasters and support emergency operations, re-*
15 *pairs and other activities in response to flood, hurricanes*
16 *or other natural disasters as authorized by law: Provided,*
17 *That \$430,000,000 of the funds provided herein shall be uti-*
18 *lized by the Corps to restore projects impacted by Hurricane*
19 *Sandy in the North Atlantic Division of the U.S. Army*
20 *Corps of Engineers to design profiles of the authorized*
21 *projects: Provided further, That the provisions of section*
22 *902 of the Water Resources Development Act of 1986 shall*
23 *not apply to funds provided under this heading: Provided*
24 *further, That the amounts in this paragraph are designated*
25 *by the Congress as being for an emergency requirement pur-*

1 *suant section 251(b)(2)(A)(i) of the Balanced Budget and*
2 *Emergency Deficit Control Act of 1985: Provided further,*
3 *That the Assistant Secretary of the Army for Civil Works*
4 *shall provide a monthly report to the Committees on Appro-*
5 *priations of the House of Representatives and the Senate*
6 *detailing the allocation and obligation of these funds, begin-*
7 *ning not later than 60 days after enactment of this Act.*

8 *EXPENSES*

9 *For an additional amount for “Expenses” for in-*
10 *creased efforts to oversee emergency response and recovery*
11 *activities related to natural disasters, \$10,000,000, to re-*
12 *main available until expended: Provided, That such amount*
13 *is designated by the Congress as being for an emergency*
14 *requirement pursuant section 251(b)(2)(A)(i) of the Bal-*
15 *anced Budget and Emergency Deficit Control Act of 1985:*
16 *Provided further, That the Assistant Secretary of the Army*
17 *for Civil Works shall provide a monthly report to the Com-*
18 *mittees on Appropriations of the House of Representatives*
19 *and the Senate detailing the allocation and obligation of*
20 *these funds, beginning not later than 60 days after enact-*
21 *ment of this Act.*

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TITLE V

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

For an additional amount to be deposited in the “Federal Buildings Fund”, \$7,000,000, to remain available until expended, notwithstanding 40 U.S.C. 3307, for necessary expenses related to the consequences of Hurricane Sandy, including repair and alteration of buildings under the custody and control of the Administrator of General Services, and real property management and related activities not otherwise provided for: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$40,000,000, to remain available until September 30, 2014, of which \$20,000,000 is for grants to or cooperative agreements with organizations to provide technical assistance related to disaster recovery, response, and long-term resiliency to small businesses that are recovering from Hurricane Sandy; and of which \$20,000,000 is for grants

1 *or cooperative agreements for public-private partnerships to*
2 *provide long-term economic development assistance to in-*
3 *dustries and/or regions affected by Hurricane Sandy*
4 *through economic development initiatives, including inno-*
5 *vation clusters, industry accelerators, supply-chain support,*
6 *commercialization, and workforce development: Provided,*
7 *That the Small Business Administration (SBA) shall expe-*
8 *dite the delivery of assistance in disaster-affected areas by*
9 *awarding grants or cooperative agreements for technical as-*
10 *sistance only to current recipients of SBA grants or cooper-*
11 *ative agreements using a streamlined application process*
12 *that relies, to the maximum extent practicable, upon pre-*
13 *viously submitted documentation: Provided further, That*
14 *the Administrator of the Small Business Administration*
15 *shall waive the matching requirements under section*
16 *21(a)(4)(A) and 29(c) of the Small Business Act for any*
17 *grant made using funds made available under this heading:*
18 *Provided further, That in designing appropriate economic*
19 *development initiatives and identifying those regions and*
20 *industries most affected by Hurricane Sandy, the SBA shall*
21 *work with other Federal agencies, State and local economic*
22 *development entities, institutions of higher learning, and*
23 *private sector partners: Provided further, That grants or*
24 *cooperative agreements for public-private partnerships may*
25 *be awarded to public or private nonprofit organizations,*

1 *or any combination thereof: Provided further, That no later*
2 *than 30 days after the date of enactment of this Act, or*
3 *no less than 7 days prior to obligation of funds, whichever*
4 *occurs earlier, the SBA shall submit to the Committees on*
5 *Appropriations of the House of Representatives and the*
6 *Senate a detailed expenditure plan for funds provided*
7 *under this heading: Provided further, That such amounts*
8 *are designated by the Congress as being for an emergency*
9 *requirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
10 *anced Budget and Emergency Deficit Control Act of 1985.*

11 *OFFICE OF INSPECTOR GENERAL*

12 *For an additional amount for “Office of Inspector*
13 *General” for necessary expenses related to the consequences*
14 *of Hurricane Sandy and other disasters, \$5,000,000, to re-*
15 *main available until expended: Provided, That such amount*
16 *is designated by the Congress as being for an emergency*
17 *requirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
18 *anced Budget and Emergency Deficit Control Act of 1985.*

19 *DISASTER LOANS PROGRAM ACCOUNT*

20 *(INCLUDING TRANSFER OF FUNDS)*

21 *For an additional amount for “Disaster Loans Pro-*
22 *gram Account” for the cost of direct loans authorized by*
23 *section 7(b) of the Small Business Act, for necessary ex-*
24 *penses related to Hurricane Sandy and other disasters,*
25 *\$500,000,000, to remain available until expended: Pro-*

1 *vided, That such costs, including the cost of modifying such*
2 *loans, shall be as defined in section 502 of the Congressional*
3 *Budget Act of 1974: Provided further, That in addition, for*
4 *administrative expenses to carry out the direct loan pro-*
5 *gram authorized by section 7(b) of the Small Business Act*
6 *in response to Hurricane Sandy and other disasters,*
7 *\$260,000,000, to remain available until expended, of which*
8 *\$250,000,000 is for direct administrative expenses of loan*
9 *making and servicing to carry out the direct loan program,*
10 *which may be transferred to and merged with the appro-*
11 *priations for Salaries and Expenses; and of which*
12 *\$10,000,000 is for indirect administrative expenses for the*
13 *direct loan program, which may be transferred to and*
14 *merged with the appropriations for Salaries and Expenses:*
15 *Provided further, That such amounts are designated by the*
16 *Congress as being for an emergency requirement pursuant*
17 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
18 *Emergency Deficit Control Act of 1985.*

19 **GENERAL PROVISIONS—THIS TITLE**

20 *SEC. 501. Section 7(d)(6) of the Small Business Act*
21 *(15 U.S.C. 636(d)(6)) is amended by inserting after “which*
22 *are made under paragraph (1) of subsection (b)” the fol-*
23 *lowing: “: Provided further, That the Administrator, in ob-*
24 *taining the best available collateral for a loan of not more*
25 *than \$200,000 under paragraph (1) or (2) of subsection (b)*

1 *relating to damage to or destruction of the property of, or*
2 *economic injury to, a small business concern, shall not re-*
3 *quire the owner of the small business concern to use the*
4 *primary residence of the owner as collateral if the Adminis-*
5 *trator determines that the owner has other assets with a*
6 *value equal to or greater than the amount of the loan that*
7 *could be used as collateral for the loan: Provided further,*
8 *That nothing in the preceding proviso may be construed*
9 *to reduce the amount of collateral required by the Adminis-*
10 *trator in connection with a loan described in the preceding*
11 *proviso or to modify the standards used to evaluate the*
12 *quality (rather than the type) of such collateral”.*

13

TITLE VI

14

DEPARTMENT OF HOMELAND SECURITY

15

U.S. CUSTOMS AND BORDER PROTECTION

16

SALARIES AND EXPENSES

17

For an additional amount for “Salaries and Ex-

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penses” for necessary expenses related to the consequences

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of Hurricane Sandy, \$1,667,000: Provided, That such

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amount is designated by the Congress as being for an emer-

21

gency requirement pursuant to section 251(b)(2)(A)(i) of

22

the Balanced Budget and Emergency Deficit Control Act

23

of 1985: Provided further, That a description of all property

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to be replaced, with associated costs, shall be submitted to

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the Committees on Appropriations of the Senate and the

1 *House of Representatives no later than 90 days after the*
2 *date of enactment of this Act.*

3 *U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT*

4 *SALARIES AND EXPENSES*

5 *For an additional amount for “Salaries and Ex-*
6 *penses” for necessary expenses related to the consequences*
7 *of Hurricane Sandy, \$855,000: Provided, That such*
8 *amount is designated by the Congress as being for an emer-*
9 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
10 *the Balanced Budget and Emergency Deficit Control Act*
11 *of 1985: Provided further, That a description of all property*
12 *to be replaced, with associated costs, shall be submitted to*
13 *the Committees on Appropriations of the Senate and the*
14 *House of Representatives no later than 90 days after the*
15 *date of enactment of this Act.*

16 *COAST GUARD*

17 *ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *For an additional amount for “Acquisition, Construc-*
20 *tion, and Improvements” for necessary expenses related to*
21 *the consequences of Hurricane Sandy, \$274,233,000, to re-*
22 *main available until September 30, 2017: Provided, That*
23 *such amount is designated by the Congress as being for an*
24 *emergency requirement pursuant to section 251(b)(2)(A)(i)*
25 *of the Balanced Budget and Emergency Deficit Control Act*

1 of 1985: *Provided further, That notwithstanding the trans-*
2 *fer limitation contained in section 503 of division D of*
3 *Public Law 112-74, such funding may be transferred to*
4 *other Coast Guard appropriations after notification as re-*
5 *quired in accordance with such section: Provided further,*
6 *That a description all facilities and property to be recon-*
7 *structed and restored, with associated costs and time lines,*
8 *shall be submitted to the Committees on Appropriations of*
9 *the Senate and the House of Representatives no later than*
10 *90 days after the date of enactment of this Act.*

11 *UNITED STATES SECRET SERVICE*

12 *SALARIES AND EXPENSES*

13 *For an additional amount for “Salaries and Ex-*
14 *penses” for necessary expenses related to the consequences*
15 *of Hurricane Sandy, \$300,000: Provided, That such*
16 *amount is designated by the Congress as being for an emer-*
17 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
18 *the Balanced Budget and Emergency Deficit Control Act*
19 *of 1985: Provided further, That a description of all property*
20 *to be replaced, with associated costs, shall be submitted to*
21 *the Committees on Appropriations of the Senate and the*
22 *House of Representatives no later than 90 days after the*
23 *date of enactment of this Act.*

1 *FEDERAL EMERGENCY MANAGEMENT AGENCY*
2 *DISASTER RELIEF FUND*
3 *(INCLUDING TRANSFER OF FUNDS)*

4 *For an additional amount for the “Disaster Relief*
5 *Fund” in carrying out the Robert T. Stafford Disaster Re-*
6 *lief and Emergency Assistance Act (42 U.S.C. 5121 et seq.),*
7 *\$11,487,735,000, to remain available until expended: Pro-*
8 *vided, That of the total amount provided, \$5,379,000,000*
9 *shall be for major disasters declared pursuant to the Robert*
10 *T. Stafford Disaster Relief and Emergency Assistance Act*
11 *(42 U.S.C. 5121 et seq.): Provided further, That the amount*
12 *in the previous proviso is designated by the Congress as*
13 *being for disaster relief pursuant to section 251(b)(2)(D)*
14 *of the Balanced Budget and Emergency Deficit Control Act*
15 *of 1985: Provided further, That of the total amount pro-*
16 *vided, \$6,108,735,000 is designated by the Congress as being*
17 *for an emergency requirement pursuant to section*
18 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
19 *Deficit Control Act of 1985 which shall be for major disas-*
20 *ters declared pursuant to the Robert T. Stafford Disaster*
21 *Relief and Emergency Assistance Act (42 U.S.C. 5121 et*
22 *seq.): Provided further, That of the total amount provided,*
23 *\$3,000,000 shall be transferred to the Department of Home-*
24 *land Security “Office of Inspector General” for audits and*
25 *investigations related to disasters.*

1 *DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT*

2 *For an additional amount for the cost of direct loans,*
3 *\$300,000,000, to remain available until expended, as au-*
4 *thorized by section 417 of the Robert T. Stafford Disaster*
5 *Relief and Emergency Assistance Act (42 U.S.C. 5184), of*
6 *which up to \$4,000,000 is for administrative expenses to*
7 *carry out the direct loan program: Provided, That such*
8 *costs, including the cost of modifying such loans, shall be*
9 *as defined in section 502 of the Congressional Budget Act*
10 *of 1974: Provided further, That these funds are available*
11 *to subsidize gross obligations for the principal amount of*
12 *direct loans not to exceed \$400,000,000: Provided further,*
13 *That these amounts are designated by the Congress as an*
14 *emergency requirement pursuant to section 251(b)(2)(A)(i)*
15 *of the Balanced Budget and Emergency Deficit Control Act*
16 *of 1985.*

17 *SCIENCE AND TECHNOLOGY*18 *RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS*

19 *For an additional amount for “Research, Develop-*
20 *ment, Acquisition, and Operations” for necessary expenses*
21 *related to the consequences of Hurricane Sandy, \$3,249,000,*
22 *to remain available until September 30, 2017: Provided,*
23 *That such amount is designated by the Congress as being*
24 *for an emergency requirement pursuant to section*

1 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
2 *Deficit Control Act of 1985.*

3 *DOMESTIC NUCLEAR DETECTION OFFICE*

4 *SYSTEMS ACQUISITION*

5 *For an additional amount for “Systems Acquisition”*
6 *for necessary expenses related to the consequences of Hurri-*
7 *cane Sandy for replacing or repairing U.S. Customs and*
8 *Border Protection equipment, \$3,869,000, to remain avail-*
9 *able until September 30, 2015: Provided, That such amount*
10 *is designated by the Congress as being for an emergency*
11 *requirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
12 *anced Budget and Emergency Deficit Control Act of 1985.*

13 *GENERAL PROVISIONS—THIS TITLE*

14 *SEC. 601. (a) Section 1309(a) of the National Flood*
15 *Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by*
16 *striking “\$20,725,000,000” and inserting*
17 *“\$30,425,000,000”.*

18 *(b) The amount provided by this section is designated*
19 *by the Congress as an emergency requirement pursuant to*
20 *section 251(b)(2)(A)(i) of the Balanced Budget and Emer-*
21 *gency Deficit Control Act of 1985 and as an emergency re-*
22 *quirement pursuant to section 4(g) of the Statutory Pay-*
23 *As-You-Go Act of 2010.*

1 (c) *EFFECTIVE DATE.*—*The amendment made by sub-*
2 *section (a) shall be considered to have taken effect on Decem-*
3 *ber 12, 2012.*

4 *SEC. 602. The Administrator of the Federal Emer-*
5 *gency Management Agency, in cooperation with representa-*
6 *tives of State, tribal, and local governments may give great-*
7 *er weight to the factors considered under section*
8 *206.48(b)(3) of title 44, Code of Federal Regulations, to ac-*
9 *curately measure the acute needs of a population following*
10 *a disaster in order to expedite a declaration of Individual*
11 *Assistance under the Robert T. Stafford Disaster Relief and*
12 *Emergency Assistance Act (42 U.S.C. 5121 et seq.).*

13 *SEC. 603. For determinations regarding compliance*
14 *with codes and standards under the Federal Emergency*
15 *Management Agency Public Assistance program (42 U.S.C.*
16 *5172), the Administrator of the Federal Emergency Man-*
17 *agement Agency, for major disasters declared on or after*
18 *August 27, 2011, shall consider eligible the costs required*
19 *to comply with a State’s Stream Alteration General Permit*
20 *process, including any design standards required to be met*
21 *as a condition of permit issuance.*

22 *SEC. 604. Notwithstanding any other provision of law,*
23 *the Administrator of the Federal Emergency Management*
24 *Agency may recommend to the President an increase in the Federal*
25 *cost share of the eligible cost of permanent work under sec-*

1 *tion 406 and of emergency work under section 403 and sec-*
2 *tion 407 of the Robert T. Stafford Disaster Relief and*
3 *Emergency Assistance Act (42 U.S.C. 5172) for damages*
4 *resulting from Hurricane Sandy without delay.*

5 *SEC. 605. In administering the funds made available*
6 *to address any major disaster declared during the period*
7 *beginning on August 27, 2011 and ending on December 5,*
8 *2012, the Administrator of the Federal Emergency Manage-*
9 *ment Agency shall establish a pilot program for the reloca-*
10 *tion of State facilities under section 406 of the Robert T.*
11 *Stafford Disaster Relief and Emergency Assistance Act (42*
12 *U.S.C. 5172), under which the Administrator may waive,*
13 *or specify alternative requirements for, any regulation the*
14 *Administrator administers to provide assistance, consistent*
15 *with the National Environmental Policy Act of 1969 (42*
16 *U.S.C. 4321 et seq.), for the permanent relocation of State*
17 *facilities, including administrative office buildings, medical*
18 *facilities, laboratories, and related operating infrastructure*
19 *(including heat, sewage, mechanical, electrical, and plumb-*
20 *ing), that were significantly damaged as a result of the*
21 *major disaster, are subject to flood risk, and are otherwise*
22 *eligible for repair, restoration, reconstruction, or replace-*
23 *ment under section 406 of that Act, if the Administrator*
24 *determines that such relocation is practicable, and will be*
25 *cost effective or more appropriate than repairing, restoring,*

1 *reconstructing, or replacing the facility in its pre-disaster*
2 *location, and if such relocation will effectively mitigate the*
3 *flood risk to the facility.*

4 *LEVEES*

5 *SEC. 606. (a) DEFINITIONS.—In this section—*

6 *(1) the term “Administrator” means the Admin-*
7 *istrator of the Federal Emergency Management Agen-*
8 *cy; and*

9 *(2) the term “covered hazard mitigation land”*
10 *means land—*

11 *(A) acquired and deed restricted under sec-*
12 *tion 404(b) of the Robert T. Stafford Disaster*
13 *Relief and Emergency Assistance Act (42 U.S.C.*
14 *5170c(b)) before, on, or after the date of enact-*
15 *ment of this Act; and*

16 *(B) that is located—*

17 *(i) in a West North Central State; and*

18 *(ii) in a community that—*

19 *(I) is participating in the Na-*
20 *tional Flood Insurance Program on the*
21 *date on which a State, local, or tribal*
22 *government submits an application re-*
23 *questing to construct a permanent*
24 *flood risk reduction levee under sub-*
25 *section (b); and*

1 (II) certifies to the Administrator
2 and the Chief of Engineers that the
3 community will continue to partici-
4 pate in the National Flood Insurance
5 Program.

6 (b) *AUTHORITY.*—Notwithstanding clause (i) or (ii) of
7 section 404(b)(2)(B) of the Robert T. Stafford Disaster Re-
8 lief and Emergency Assistance Act (42 U.S.C.
9 5170c(b)(2)(B)), the Administrator shall approve the con-
10 struction of a permanent flood risk reduction levee by a
11 State, local, or tribal government on covered hazard mitiga-
12 tion land if the Administrator and the Chief of Engineers
13 determine, through a process established by the Adminis-
14 trator and Chief of Engineers and funded entirely by the
15 State, local, or tribal government seeking to construct the
16 proposed levee, that—

17 (1) construction of the proposed permanent flood
18 risk reduction levee would more effectively mitigate
19 against flooding risk than an open floodplain or other
20 flood risk reduction measures;

21 (2) the proposed permanent flood risk reduction
22 levee complies with Federal, State, and local require-
23 ments, including mitigation of adverse impacts and
24 implementation of floodplain management require-
25 ments, which shall include an evaluation of whether

1 *the construction, operation, and maintenance of the*
2 *proposed levee would continue to meet best available*
3 *industry standards and practices and would be the*
4 *most cost-effective measure to protect against the as-*
5 *essed flood risk and minimizes future costs to the*
6 *Federal Government;*

7 *(3) the State, local, or tribal government seeking*
8 *to construct the proposed levee has provided an ade-*
9 *quate maintenance plan that documents the proce-*
10 *dures the State, local, or tribal government will use*
11 *to ensure that the stability, height, and overall integ-*
12 *riety of the proposed levee and the structure and sys-*
13 *tems of the proposed levee are maintained, includ-*
14 *ing—*

15 *(A) specifying the maintenance activities to*
16 *be performed;*

17 *(B) specifying the frequency with which*
18 *maintenance activities will be performed;*

19 *(C) specifying the person responsible for*
20 *performing each maintenance activity (by name*
21 *or title);*

22 *(D) detailing the plan for financing the*
23 *maintenance of the levee; and*

1 (E) documenting the ability of the State,
2 local, or tribal government to finance the main-
3 tenance of the levee.

4 (c) *MAINTENANCE CERTIFICATION.*—

5 (1) *IN GENERAL.*—A State, local, or tribal gov-
6 ernment that constructs a permanent flood risk reduc-
7 tion levee under subsection (b) shall submit to the Ad-
8 ministrator and the Chief of Engineers an annual
9 certification indicating whether the State, local, or
10 tribal government is in compliance with the mainte-
11 nance plan provided under subsection (b)(3).

12 (2) *REVIEW.*—The Chief of Engineers shall re-
13 view a certification submitted under paragraph (1)
14 and determine whether the State, local, or tribal gov-
15 ernment has complied with the maintenance plan.

16 *SEC. 607. The Administrator of the Federal Emer-*
17 *gency Management Agency shall cancel the liquidated bal-*
18 *ances of all remaining uncanceled or partially canceled*
19 *loans disbursed under the Community Disaster Loan Act*
20 *of 2005 (Public Law 109–88) and the Emergency Supple-*
21 *mental Appropriations Act for Defense, the Global War on*
22 *Terror, and Hurricane Recovery, 2006 (Public Law 109–*
23 *234), as amended by section 4502 of the U.S. Troop Readi-*
24 *ness, Veterans’ Care, Katrina Recovery, and Iraq Account-*
25 *ability Appropriations Act, 2007 (Public Law 110–28) to*

1 *the extent that revenues of the local government during the*
2 *period following the major disaster are insufficient to meet*
3 *the budget of the local government, including additional dis-*
4 *aster-related expenses of a municipal character. In calcu-*
5 *lating a community's revenues while determining cancella-*
6 *tion, the Administrator shall exclude revenues for special*
7 *districts and any other revenues that are required by law*
8 *to be disbursed to other units of local government or used*
9 *for specific purposes more limited than the scope allowed*
10 *by the General Fund. In calculating a community's ex-*
11 *penses, the Administrator shall include disaster-related cap-*
12 *ital expenses for which the community has not been reim-*
13 *bursed by Federal or insurance proceeds, debt service ex-*
14 *penses, and accrued but unpaid uncompensated absences*
15 *(vacation and sick pay). In calculating the operating deficit*
16 *of the local government, the Administrator shall also con-*
17 *sider all interfund transfers. When considering the period*
18 *following the disaster, the Administrator may consider a*
19 *period of 3, 5, or 7 full fiscal years after the disaster, begin-*
20 *ning on the date of the declaration, in determining eligi-*
21 *bility for cancellation. The criteria for cancellation do not*
22 *apply to those loans already cancelled in full. Applicants*
23 *shall submit supplemental documentation in support of*
24 *their applications for cancellation on or before April 30,*
25 *2014, and the Administrator shall issue determinations and*

1 *resolve any appeals on or before April 30, 2015. Loans not*
2 *cancelled in full shall be repaid not later than September*
3 *30, 2035. The Administrator may use funds provided under*
4 *Public Law 109–88 to reimburse those communities that*
5 *have repaid all or a portion of loans, including interest,*
6 *provided as Special Community Disaster Loans under Pub-*
7 *lic Law 109–88 or Public Law 109–234, as amended by*
8 *section 4502 of Public Law 110–28. Further, the Adminis-*
9 *trator may use funds provided under Public Law 109–88*
10 *for necessary expenses to carry out this provision: Provided,*
11 *That the entire amount is designated by the Congress as*
12 *an emergency requirement pursuant to section*
13 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
14 *Deficit Control Act of 1985.*

15 *SEC. 608. The Inspector General shall review the ap-*
16 *plications for public assistance provided through the Dis-*
17 *aster Relief Fund with a project cost that exceeds*
18 *\$10,000,000 and the resulting decisions issued by the Fed-*
19 *eral Emergency Management Agency for category A debris*
20 *removal for DR–1786 upon receipt of a request from an*
21 *applicant made no earlier than 90 days after filing an ap-*
22 *peal with the Federal Emergency Management Agency*
23 *without regard to whether the Administrator of the Federal*
24 *Emergency Management Agency has issued a final agency*
25 *determination on the application for assistance: Provided,*

1 *That not later than 180 days after the date of such request,*
2 *the Inspector General shall determine whether the Federal*
3 *Emergency Management Agency correctly applied its rules*
4 *and regulations to determine eligibility of the applicant’s*
5 *claim: Provided further, That if the Inspector General finds*
6 *that the Federal Emergency Management Agency deter-*
7 *minations related to eligibility and cost involved a*
8 *misapplication of its rules and regulations, the applicant*
9 *may submit the dispute to the arbitration process estab-*
10 *lished under the authority granted under section 601 of*
11 *Public Law 111–5 not later than 15 days after the date*
12 *of issuance of the Inspector General’s finding in the pre-*
13 *vious proviso: Provided further, That if the Inspector Gen-*
14 *eral finds that the Federal Emergency Management Agency*
15 *provided unauthorized funding, that the Federal Emergency*
16 *Management Agency shall take corrective action.*

17 *DISASTER RECOVERY*

18 *SEC. 609. (a) SHORT TITLE.—This section may be*
19 *cited as the “Disaster Recovery Act of 2012”.*

20 *(b) HAZARD MITIGATION.—*

21 *(1) IN GENERAL.—Section 404 of the Robert T.*
22 *Stafford Disaster Relief and Emergency Assistance*
23 *Act (42 U.S.C. 5170c) is amended by adding at the*
24 *end the following:*

25 *“(d) EXPEDITED PROCEDURES.—*

1 “(1) *IN GENERAL.*—*For the purpose of providing*
2 *assistance under this section, the President shall en-*
3 *sure that—*

4 “(A) *adequate resources are devoted to en-*
5 *sureing that applicable environmental reviews*
6 *under the National Environmental Policy Act*
7 *and historic preservation reviews under the Na-*
8 *tional Historic Preservation Act are completed*
9 *on an expeditious basis; and*

10 “(B) *the shortest existing applicable process*
11 *under the National Environmental Policy Act*
12 *and the National Historic Preservation Act shall*
13 *be utilized.*

14 “(2) *AUTHORITY FOR OTHER EXPEDITED PROCE-*
15 *DURES.*—*The President may utilize expedited proce-*
16 *dures in addition to those required under paragraph*
17 *(1) for the purpose of providing assistance under this*
18 *section, such as those under the Prototype Pro-*
19 *grammatic Agreement of the Federal Emergency*
20 *Management Agency, for the consideration of multiple*
21 *structures as a group and for an analysis of the cost-*
22 *effectiveness and fulfillment of cost-share requirements*
23 *for proposed hazard mitigation measures.*

24 “(e) *ADVANCE ASSISTANCE.*—*The President may pro-*
25 *vide not more than 25 percent of the amount of the esti-*

1 *mated cost of hazard mitigation measures to a State grantee*
2 *eligible for a grant under this section before eligible costs*
3 *are incurred.”.*

4 (2) *ESTABLISHMENT OF CRITERIA RELATING TO*
5 *ADMINISTRATION OF HAZARD MITIGATION ASSISTANCE*
6 *BY STATES.*—*Section 404(c)(2) of the Robert T. Staf-*
7 *ford Disaster Relief and Emergency Assistance Act*
8 *(42 U.S.C. 5170c(c)(2)) is amended by inserting*
9 *“Until such time as the Administrator promulgates*
10 *regulations to implement this paragraph, the Admin-*
11 *istrator may waive notice and comment rulemaking*
12 *if the Administrator determines doing so is necessary*
13 *to expeditiously implement this section and may*
14 *carry out the alternative procedures under this section*
15 *as a pilot program” after “applications submitted*
16 *under paragraph (1).”.*

17 (3) *APPLICABILITY.*—*The authority under the*
18 *amendments made by this subsection shall apply*
19 *for—*

20 (A) *any major disaster or emergency de-*
21 *clared under the Robert T. Stafford Disaster Re-*
22 *lief and Emergency Assistance Act (42 U.S.C.*
23 *5121 et seq.) on or after the date of enactment*
24 *of this Act; and*

1 (B) a major disaster or emergency declared
2 before the date of enactment of this Act for which
3 the period for processing requests for assistance
4 has not ended on the date of enactment of this
5 Act.

6 (c) **PUBLIC ASSISTANCE PROGRAM ALTERNATIVE PRO-**
7 **CEDURES.**—Title IV of the Robert T. Stafford Disaster Re-
8 lief and Emergency Assistance Act (42 U.S.C. 5170 et seq.)
9 is amended—

10 (1) by redesignating section 425 (42 U.S.C.
11 5189e) relating to essential service providers, as
12 added by section 607 of the SAFE Port Act (Public
13 Law 109–347; 120 Stat. 1941) as section 427; and

14 (2) by adding at the end the following:

15 **“SEC. 428. PUBLIC ASSISTANCE PROGRAM ALTERNATIVE**
16 **PROCEDURES.**

17 “(a) **IN GENERAL.**—The Administrator of the Federal
18 Emergency Management Agency may approve projects
19 under the alternative procedures adopted under this section
20 for—

21 “(1) any major disaster or emergency declared
22 on or after the date of enactment of this section; and

23 “(2) any project relating to a major disaster or
24 emergency declared before the date of enactment of

1 *this section for which construction has not begun on*
2 *the date of enactment of this section.*

3 “(b) *ADOPTION.*—*The Administrator, in coordination*
4 *with States, tribal, and local governments, and owners or*
5 *operators of private nonprofit facilities, may adopt alter-*
6 *native procedures to administer assistance provided under*
7 *sections 403(a)(3)(A), 406, 407, and 502(a)(5).*

8 “(c) *GOALS.*—*Any procedures adopted under sub-*
9 *section (b) shall further the goals of—*

10 “(1) *reducing the costs to the Federal Govern-*
11 *ment of providing such assistance;*

12 “(2) *increasing flexibility in the administration*
13 *of such assistance;*

14 “(3) *expediting the provision of such assistance*
15 *to States, tribal, and local governments and to owners*
16 *or operators of private nonprofit facilities; and*

17 “(4) *providing financial incentives and disincen-*
18 *tives for the State, tribal, or local government, or*
19 *owner or operator of a private nonprofit facility for*
20 *the timely and cost-effective completion of projects*
21 *with such assistance.*

22 “(d) *VOLUNTARY PARTICIPATION.*—*Participation in*
23 *alternative procedures adopted under this section shall be*
24 *at the election of a State, tribal, or local government, or*

1 *owner or operator of a private nonprofit facility consistent*
2 *with procedures determined by the Administrator.*

3 “(e) *REQUIREMENTS FOR PROCEDURES.—The alter-*
4 *native procedures adopted under subsection (b) shall in-*
5 *clude—*

6 “(1) *for repair, restoration, and replacement of*
7 *damaged facilities under section 406—*

8 “(A) *making grants on the basis of fixed es-*
9 *timates, if the State, tribal, or local government,*
10 *or owner or operator of the private nonprofit fa-*
11 *ility agrees to be responsible for any actual*
12 *costs that exceed the estimate;*

13 “(B) *providing an option for a State, trib-*
14 *al, or local government, or owner or operator of*
15 *a private nonprofit facility to elect to receive an*
16 *in-lieu contribution, without reduction, on the*
17 *basis of estimates of—*

18 “(i) *the cost of repair, restoration, re-*
19 *construction, or replacement of a public fa-*
20 *ility owned or controlled by the State, trib-*
21 *al, or local government or the owner or op-*
22 *erator of a private nonprofit facility; and*

23 “(ii) *management expenses;*

24 “(C) *consolidating, to the extent determined*
25 *appropriate by the Administrator, the facilities*

1 of a State, tribal, or local government, or owner
2 or operator of a private nonprofit facility as a
3 single project based upon the estimates adopted
4 under the procedures;

5 “(D) if the actual costs of a project com-
6 pleted under the procedures are less than the esti-
7 mated costs thereof, the Administrator may per-
8 mit a grantee or subgrantee to use all or part of
9 the excess funds for purposes of—

10 “(i) cost-effective activities that reduce
11 the risk of future damage, hardship, or suf-
12 fering from a major disaster; and

13 “(ii) other activities to improve future
14 Public Assistance operations or planning;

15 “(E) in determining eligible cost under sec-
16 tion 406, the Administrator shall make available,
17 at an applicant’s request and where the Federal
18 Emergency Management Agency or the certified
19 cost estimate prepared by the applicant’s profes-
20 sionally licensed engineers has estimated an eli-
21 gible Federal share for a project of not less than
22 \$5,000,000, an independent expert panel to vali-
23 date the estimated eligible cost consistent with
24 applicable regulations and policies implementing
25 this section;

1 “(F) in determining eligible cost under sec-
2 tion 406, the Administrator shall, at the appli-
3 cant’s request, consider properly conducted and
4 certified cost estimates prepared by profes-
5 sionally licensed engineers (mutually agreed
6 upon by the Administrator and the applicant),
7 to the extent that such estimates comply with ap-
8 plicable regulation, policy, and guidance; and

9 “(2) for debris removal under sections
10 403(a)(3)(A), 407, and 502(a)(5)—

11 “(A) making grants on the basis of fixed es-
12 timates to provide financial incentives and dis-
13 incentives for the timely or cost effective comple-
14 tion if the State, tribal, or local government, or
15 owner or operator of the private nonprofit facil-
16 ity agrees to be responsible to pay for any actual
17 costs that exceed the estimate;

18 “(B) using a sliding scale for the Federal
19 share for removal of debris and wreckage based
20 on the time it takes to complete debris and
21 wreckage removal;

22 “(C) allowing use of program income from
23 recycled debris without offset to the grant
24 amount;

1 “(D) reimbursing base and overtime wages
2 for employees and extra hires of a State, tribal,
3 or local government, or owner or operator of a
4 private nonprofit facility performing or admin-
5 istering debris and wreckage removal;

6 “(E) providing incentives to State, tribal,
7 and local governments to have a debris manage-
8 ment plan approved by the Federal Emergency
9 Management Agency and have pre-qualified one
10 or more debris and wreckage removal contractors
11 before the date of declaration of the major dis-
12 aster; and

13 “(F) if the actual costs of projects under
14 subparagraph (A) are less than the estimated
15 costs of the project, the Administrator may per-
16 mit a grantee or subgrantee to use all or part of
17 the excess funds for—

18 “(i) debris management planning;

19 “(ii) acquisition of debris management
20 equipment for current or future use; and

21 “(iii) other activities to improve future
22 debris removal operations, as determined by
23 the Administrator.

24 “(f) WAIVER AUTHORITY.—Until such time as the Ad-
25 ministrators promulgates regulations to implement this sec-

1 tion, the Administrator may waive notice and comment
2 rulemaking, if the Administrator determines the waiver is
3 necessary to expeditiously implement this section, and may
4 carry out the alternative procedures under this section as
5 a pilot program.

6 “(g) REIMBURSEMENT.—The guidelines for reimburse-
7 ment for costs under subsection (e)(2)(D) shall assure that
8 no State, tribal, or local government is denied reimburse-
9 ment for overtime payments that are required pursuant to
10 the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et
11 seq.).”.

12 (d) SIMPLIFIED PROCEDURES.—Section 422 of the
13 Robert T. Stafford Disaster Relief and Emergency Assist-
14 ance Act (42 U.S.C. 5189) is amended—

15 (1) by striking “If the Federal estimate” and in-
16 serting the following:

17 “(a) IN GENERAL.—If the Federal estimate”;

18 (2) by inserting “or, if the Administrator has es-
19 tablished a threshold under subsection (b), the amount
20 established under subsection (b)” after “\$35,000” the
21 first place it appears;

22 (3) by inserting “or, if applicable, the amount
23 established under subsection (b),” after “\$35,000
24 amount”; and

25 (4) by adding at the end the following:

1 “(b) *THRESHOLD.*—

2 “(1) *REPORT.*—*Not later than 1 year after the*
3 *date of enactment of the Disaster Recovery Act of*
4 *2012, the President, acting through the Administrator*
5 *of the Federal Emergency Management Agency (in*
6 *this section referred to as the ‘Administrator’),*
7 *shall—*

8 “(A) *complete an analysis to determine*
9 *whether an increase in the threshold for eligi-*
10 *bility under subsection (a) is appropriate, which*
11 *shall include consideration of cost-effectiveness,*
12 *speed of recovery, capacity of grantees, past per-*
13 *formance, and accountability measures; and*

14 “(B) *submit to the appropriate committees*
15 *of the Congress (as defined in section 602 of the*
16 *Post-Katrina Emergency Management Reform*
17 *Act of 2006 (6 U.S.C. 701)) a report regarding*
18 *the analysis conducted under subparagraph (A).*

19 “(2) *AMOUNT.*—*After the Administrator submits*
20 *the report required under paragraph (1), the Presi-*
21 *dent shall direct the Administrator to—*

22 “(A) *immediately establish a threshold for*
23 *eligibility under this section in an appropriate*
24 *amount, without regard to chapter 5 of title 5,*
25 *United States Code; and*

1 “(B) adjust the threshold annually to reflect
2 changes in the Consumer Price Index for all
3 Urban Consumers published by the Department
4 of Labor.

5 “(3) REVIEW.—Not later than 3 years after the
6 date on which the Administrator establishes a thresh-
7 old under paragraph (2), and every 3 years there-
8 after, the President, acting through the Adminis-
9 trator, shall review the threshold for eligibility under
10 this section.”.

11 (e) ESSENTIAL ASSISTANCE.—Section 403 of the Rob-
12 ert T. Stafford Disaster Relief and Emergency Assistance
13 Act (42 U.S.C. 5170b) is amended by adding at the end
14 the following:

15 “(d) SALARIES AND BENEFITS.—

16 “(1) IN GENERAL.—If the President declares a
17 major disaster or emergency for an area within the
18 jurisdiction of a State, tribal, or local government, the
19 President may reimburse the State, tribal, or local
20 government for costs relating to—

21 “(A) basic pay and benefits for permanent
22 employees of the State, tribal, or local govern-
23 ment conducting emergency protective measures
24 under this section, if—

1 “(i) the work is not typically per-
2 formed by the employees; and

3 “(ii) the type of work may otherwise be
4 carried out by contract or agreement with
5 private organizations, firms, or individuals;
6 or

7 “(B) overtime and hazardous duty com-
8 pensation for permanent employees of the State,
9 tribal, or local government conducting emergency
10 protective measures under this section.

11 “(2) OVERTIME.—The guidelines for reimburse-
12 ment for costs under paragraph (1) shall ensure that
13 no State, tribal, or local government is denied reim-
14 bursement for overtime payments that are required
15 pursuant to the Fair Labor Standards Act of 1938
16 (29 U.S.C. 201 et seq.).

17 “(3) NO EFFECT ON MUTUAL AID PACTS.—Noth-
18 ing in this subsection shall effect the ability of the
19 President to reimburse labor force expenses provided
20 pursuant to an authorized mutual aid pact.”.

21 (f) UNIFIED FEDERAL REVIEW.—Title IV of the Rob-
22 ert T. Stafford Disaster Relief and Emergency Assistance
23 Act, as amended by subsection (c), is amended by adding
24 at the end the following:

1 **“SEC. 429. UNIFIED FEDERAL REVIEW.**

2 “(a) *IN GENERAL.*—Not later than 18 months after the
3 date of enactment of the Disaster Recovery Act of 2012, and
4 in consultation with the Council on Environmental Quality
5 and the Advisory Council on Historic Preservation, the
6 President shall establish an expedited and unified inter-
7 agency review process to ensure compliance with environ-
8 mental and historic requirements under Federal law relat-
9 ing to disaster recovery projects, in order to expedite the
10 recovery process, consistent with applicable law.

11 “(b) *CONTENTS.*—The review process established under
12 this section shall include mechanisms to expeditiously ad-
13 dress delays that may occur during the recovery from a
14 major disaster, and shall be updated as appropriate, con-
15 sistent with applicable law.”.

16 (g) *DISPUTE RESOLUTION PILOT PROGRAM.*—

17 (1) *DEFINITIONS.*—In this subsection—

18 (A) the term “Administrator” means the
19 Administrator of the Federal Emergency Man-
20 agement Agency; and

21 (B) the term “eligible assistance” means as-
22 sistance—

23 (i) under section 403, 406, or 407 of
24 the Robert T. Stafford Disaster Relief and
25 Emergency Assistance Act (42 U.S.C.
26 5170b, 5172, 5173);

1 (ii) for which the legitimate amount in
2 dispute is not less than \$1,000,000, which
3 the Administrator shall adjust annually to
4 reflect changes in the Consumer Price Index
5 for all Urban Consumers published by the
6 Department of Labor; and

7 (iii) for which the applicant has a
8 non-Federal share.

9 (2) PROCEDURES.—

10 (A) IN GENERAL.—Not later than 180 days
11 after the date of enactment of this Act, and in
12 order to facilitate an efficient recovery from
13 major disasters, the Administrator shall establish
14 procedures under which an applicant may re-
15 quest the use of alternative dispute resolution,
16 including arbitration by an independent review
17 panel, to resolve disputes relating to eligible as-
18 sistance.

19 (B) BINDING EFFECT.—A decision by an
20 independent review panel under this subsection
21 shall be binding upon the parties to the dispute.

22 (C) CONSIDERATIONS.—The procedures es-
23 tablished under this subsection shall—

1 (i) allow a party of a dispute relating
2 to eligible assistance to request an inde-
3 pendent review panel for the review;

4 (ii) require a party requesting an
5 independent review panel as described in
6 clause (i) to agree to forego rights to any
7 further appeal of the dispute relating to any
8 eligible assistance;

9 (iii) require that the sponsor of an
10 independent review panel for any alter-
11 native dispute resolution under this sub-
12 section shall be—

13 (I) an individual or entity unaf-
14 filiated with the dispute (which may
15 include a Federal agency, an adminis-
16 trative law judge, or a reemployed an-
17 nuitant who was an employee of the
18 Federal Government) selected by the
19 Administrator; and

20 (II) responsible for identifying
21 and maintaining an adequate number
22 of independent experts qualified to re-
23 view and resolve disputes under this
24 subsection;

1 (iv) require an independent review
2 panel to—

3 (I) resolve any remaining dis-
4 puted issue in accordance with all ap-
5 plicable laws, regulations, and Federal
6 Emergency Management Agency inter-
7 pretations of those laws through its
8 published policies and guidance;

9 (II) consider only evidence con-
10 tained in the administrative record, as
11 it existed at the time at which the Fed-
12 eral Emergency Management Agency
13 made its initial decision;

14 (III) only set aside a decision of
15 the Federal Emergency Management
16 Agency found to be arbitrary, capri-
17 cious, an abuse of discretion, or other-
18 wise not in accordance with law; and

19 (IV) in the case of a finding of
20 material fact adverse to the claimant
21 made on first appeal, only set aside or
22 reverse such finding if the finding is
23 clearly erroneous;

24 (v) require an independent review
25 panel to expeditiously issue a written deci-

1 *sion for any alternative dispute resolution*
2 *under this subsection; and*

3 *(vi) direct that if an independent re-*
4 *view panel for any alternative dispute reso-*
5 *lution under this subsection determines that*
6 *the basis upon which a party submits a re-*
7 *quest for alternative dispute resolution is*
8 *frivolous, the independent review panel shall*
9 *direct the party to pay the reasonable costs*
10 *of the Federal Emergency Management*
11 *Agency relating to the review by the inde-*
12 *pendent review panel.*

13 *(D) FUNDS RECEIVED.—Any funds received*
14 *by the Federal Emergency Management Agency*
15 *under the authority under this subsection shall*
16 *be deposited to the credit of the appropriation or*
17 *appropriations available for the eligible assist-*
18 *ance in dispute on the date on which the funds*
19 *are received.*

20 *(3) SUNSET.—A request for review by an inde-*
21 *pendent review panel under this subsection may not*
22 *be made after December 31, 2015.*

23 *(4) REPORT.—*

24 *(A) IN GENERAL.—Not later than 270 days*
25 *after the termination of authority under this*

1 subsection pursuant to paragraph (3), the Comp-
2 troller General of the United States shall submit
3 to the Committee on Homeland Security and
4 Governmental Affairs of the Senate and the
5 Committee on Transportation and Infrastructure
6 of the House of Representatives a report ana-
7 lyzing the effectiveness of the program under this
8 subsection.

9 (B) CONTENTS.—The report submitted
10 under subparagraph (A) shall include—

11 (i) a determination of the availability
12 of data required to complete the report;

13 (ii) an assessment of the effectiveness of
14 the program under this subsection, includ-
15 ing an assessment of whether the program
16 expedited or delayed the disaster recovery
17 process;

18 (iii) an assessment of whether the pro-
19 gram increased or decreased costs to admin-
20 ister section 403, 406, or 407 of the Robert
21 T. Stafford Disaster Relief and Emergency
22 Assistance Act;

23 (iv) an assessment of the procedures
24 and safeguards that the independent review
25 panels established to ensure objectivity and

1 accuracy, and the extent to which they fol-
2 lowed those procedures and safeguards;

3 (v) a recommendation as to whether
4 any aspect of the program under this sub-
5 section should be made a permanent author-
6 ity; and

7 (vi) recommendations for any modi-
8 fications to the authority or the administra-
9 tion of the authority under this subsection
10 in order to improve the disaster recovery
11 process.

12 (h) *INDIVIDUAL ASSISTANCE FACTORS.*—In order to
13 provide more objective criteria for evaluating the need for
14 assistance to individuals and to speed a declaration of a
15 major disaster or emergency under the Robert T. Stafford
16 Disaster Relief and Emergency Assistance Act (42 U.S.C.
17 5121 et seq.), not later than 1 year after the date of enact-
18 ment of this Act, the Administrator of the Federal Emer-
19 gency Management Agency, in cooperation with representa-
20 tives of State, tribal, and local emergency management
21 agencies, shall review, update, and revise through rule-
22 making the factors considered under section 206.48 of title
23 44, Code of Federal Regulations (including section
24 206.48(b)(2) of such title relating to trauma and the specific

1 *conditions or losses that contribute to trauma), to measure*
2 *the severity, magnitude, and impact of a disaster.*

3 (i) *CHILD CARE.*—Section 408(e)(1) of the Robert T.
4 *Stafford Disaster Relief and Emergency Assistance Act (42*
5 *U.S.C. 5174(e)(1)) is amended—*

6 (1) *in the paragraph heading, by inserting*
7 *“CHILD CARE,” after “DENTAL,”; and*

8 (2) *by inserting “child care,” after “dental.”*

9 (j) *TEMPORARY HOUSING.*—Section 408(c)(1)(B) of
10 *the Robert T. Stafford Disaster Relief and Emergency As-*
11 *sistance Act (42 U.S.C. 5174(c)(1)(B)) is amended—*

12 (1) *by redesignating clauses (ii) and (iii) as*
13 *clauses (iii) and (iv), respectively;*

14 (2) *by inserting after clause (i) the following:*

15 “(ii) *LEASE AND REPAIR OF RENTAL*
16 *UNITS FOR TEMPORARY HOUSING.*—

17 “(I) *IN GENERAL.*—*The President,*
18 *to the extent it would be a cost effective*
19 *alternative to other temporary housing*
20 *options, may—*

21 “(aa) *enter into lease agree-*
22 *ments with owners of multifamily*
23 *rental property located in areas*
24 *covered by a major disaster dec-*
25 *laration to house individuals and*

1 *households eligible for assistance*
2 *under this section; and*

3 “(bb) *make repairs or im-*
4 *provement to properties under*
5 *such lease agreements, to the ex-*
6 *tent necessary to serve as safe and*
7 *adequate temporary housing.*

8 “(II) *IMPROVEMENTS OR RE-*
9 *PAIRS.—Under the terms of any lease*
10 *agreement for property entered into*
11 *under this subsection, the value of the*
12 *improvements or repairs shall be de-*
13 *ducted from the value of the lease*
14 *agreement; and may not exceed the*
15 *value of the lease agreement.*

16 “(III) *PERIOD OF ASSISTANCE.—*
17 *The President may not provide direct*
18 *assistance under this clause with re-*
19 *spect to a major disaster after the end*
20 *of the 18-month period beginning on*
21 *the date of declaration of the major*
22 *disaster by the President, except that*
23 *the President may extend that period if*
24 *the President determines that due to*
25 *extraordinary circumstances an exten-*

1 *sion would be in the public interest.”;*

2 *and*

3 *(3) in clause (iv), as so redesignated, by striking*

4 *“clause (ii)” and inserting “clause (iii)”.*

5 *(k) TRIBAL REQUESTS FOR A MAJOR DISASTER OR*

6 *EMERGENCY DECLARATION UNDER THE STAFFORD ACT.—*

7 *(1) MAJOR DISASTER REQUESTS.—Section 401*

8 *of the Robert T. Stafford Disaster Relief and Emer-*

9 *gency Assistance Act (42 U.S.C. 5170) is amended—*

10 *(A) by striking “All requests for a declara-*

11 *tion” and inserting “(a) IN GENERAL.—All re-*

12 *quests for a declaration”; and*

13 *(B) by adding at the end the following:*

14 *“(b) INDIAN TRIBAL GOVERNMENT REQUESTS.—*

15 *“(1) IN GENERAL.—The Chief Executive of an*

16 *affected Indian tribal government may submit a re-*

17 *quest for a declaration by the President that a major*

18 *disaster exists consistent with the requirements of sub-*

19 *section (a).*

20 *“(2) REFERENCES.—In implementing assistance*

21 *authorized by the President under this Act in re-*

22 *sponse to a request of the Chief Executive of an af-*

23 *ected Indian tribal government for a major disaster*

24 *declaration, any reference in this Act, except sections*

25 *310 and 326, to a State or the Governor of a State*

1 *is deemed to refer to an affected Indian tribal govern-*
2 *ment or the Chief Executive of an affected Indian*
3 *tribal government, as appropriate.*

4 “(3) *SAVINGS PROVISION.—Nothing in this sub-*
5 *section shall prohibit an Indian tribal government*
6 *from receiving assistance under this Act through a*
7 *declaration made by the President at the request of a*
8 *State under subsection (a) if the President does not*
9 *make a declaration under this subsection for the same*
10 *incident.*

11 “(c) *COST SHARE ADJUSTMENTS FOR INDIAN TRIBAL*
12 *GOVERNMENTS.—*

13 “(1) *IN GENERAL.—In providing assistance to*
14 *an Indian tribal government under this Act, the*
15 *President may waive or adjust any payment of a*
16 *non-Federal contribution with respect to the assist-*
17 *ance if—*

18 “(A) *the President has the authority to*
19 *wave or adjust the payment under another pro-*
20 *vision of this Act; and*

21 “(B) *the President determines that the*
22 *waiver or adjustment is necessary and appro-*
23 *priate.*

1 “(2) *CRITERIA FOR MAKING DETERMINATIONS.*—
2 *The President shall establish criteria for making de-*
3 *terminations under paragraph (1)(B).”.*

4 (2) *EMERGENCY REQUESTS.*—*Section 501 of the*
5 *Robert T. Stafford Disaster Relief and Emergency As-*
6 *sistance Act (42 U.S.C. 5191) is amended by adding*
7 *at the end the following:*

8 “(c) *INDIAN TRIBAL GOVERNMENT REQUESTS.*—

9 “(1) *IN GENERAL.*—*The Chief Executive of an*
10 *affected Indian tribal government may submit a re-*
11 *quest for a declaration by the President that an emer-*
12 *gency exists consistent with the requirements of sub-*
13 *section (a).*

14 “(2) *REFERENCES.*—*In implementing assistance*
15 *authorized by the President under this Act in re-*
16 *sponse to a request of the Chief Executive of an af-*
17 *ected Indian tribal government for an emergency dec-*
18 *laration, any reference in this Act, except sections 310*
19 *and 326, to a State or the Governor of a State is*
20 *deemed to refer to an affected Indian tribal govern-*
21 *ment or the Chief Executive of an affected Indian*
22 *tribal government, as appropriate.*

23 “(3) *SAVINGS PROVISION.*—*Nothing in this sub-*
24 *section shall prohibit an Indian tribal government*
25 *from receiving assistance under this Act through a*

1 *declaration made by the President at the request of a*
2 *State under subsection (a) if the President does not*
3 *make a declaration under this subsection for the same*
4 *incident.”.*

5 (3) *DEFINITIONS.—Section 102 of the Robert T.*
6 *Stafford Disaster Relief and Emergency Assistance*
7 *Act (42 U.S.C. 5122) is amended—*

8 (A) *in paragraph (7)(B) by striking “;*
9 *and” and inserting “, that is not an Indian trib-*
10 *al government as defined in paragraph (6);*
11 *and”;*

12 (B) *by redesignating paragraphs (6)*
13 *through (10) as paragraphs (7) through (11), re-*
14 *spectively;*

15 (C) *by inserting after paragraph (5) the fol-*
16 *lowing:*

17 “(6) *INDIAN TRIBAL GOVERNMENT.—The term*
18 *‘Indian tribal government’ means the governing body*
19 *of any Indian or Alaska Native tribe, band, nation,*
20 *pueblo, village, or community that the Secretary of*
21 *the Interior acknowledges to exist as an Indian tribe*
22 *under the Federally Recognized Indian Tribe List Act*
23 *of 1994 (25 U.S.C. 479a et seq.).”;* and

24 (D) *by adding at the end the following:*

1 “(12) *CHIEF EXECUTIVE*.—The term ‘Chief Exec-
2 *utive*’ means the person who is the Chief, Chairman,
3 Governor, President, or similar executive official of
4 an Indian tribal government.”.

5 (4) *REFERENCES*.—Title I of the Robert T. Staf-
6 ford Disaster Relief and Emergency Assistance Act
7 (42 U.S.C. 5121 *et seq.*) is amended by adding after
8 section 102 the following:

9 “**SEC. 103. REFERENCES.**

10 “Except as otherwise specifically provided, any ref-
11 erence in this Act to ‘State and local’, ‘State or local’,
12 ‘State, and local’, ‘State, or local’, or ‘State, local’ (includ-
13 ing the plural form of such terms) with respect to govern-
14 ments or officials and any reference to a ‘local government’
15 in sections 406(d)(3) and 417 shall be deemed to refer also
16 to Indian tribal governments and officials, as appro-
17 priate.”.

18 (5) *REGULATIONS*.—

19 (A) *ISSUANCE*.—The President shall issue
20 regulations to carry out the amendments made
21 by this subsection.

22 (B) *FACTORS*.—In issuing regulations
23 under this paragraph, the President shall con-
24 sider the unique conditions that affect the gen-
25 eral welfare of Indian tribal governments.

1 *(l) REPORT.—Not later than 90 days after the date*
2 *of enactment of this Act, the Chair of the Hurricane Sandy*
3 *Rebuilding Task Force established by the President, in con-*
4 *sultation with the Administrator of the Federal Emergency*
5 *Management Agency, the Secretary of the Treasury, and*
6 *others whom the Chair determines to be appropriate, shall*
7 *submit to the Committee on Appropriations and the Com-*
8 *mittee on Homeland Security and Governmental Affairs of*
9 *the Senate and the Committee on Appropriations and the*
10 *Committee on Transportation and Infrastructure of the*
11 *House of Representatives a report that includes a discussion*
12 *of—*

13 *(1) the impacts of Hurricane Sandy on local*
14 *government budgets in States where a major disaster*
15 *has been declared, including revenues from taxes, fees,*
16 *and other sources, and expenses related to operations,*
17 *debt obligations, and unreimbursed disaster-related*
18 *costs;*

19 *(2) the availability of loans from private sources*
20 *to address such impacts, including information on in-*
21 *terest rates, repayment terms, securitization require-*
22 *ments, and the ability of affected local governments to*
23 *qualify for such loans;*

1 (3) *the availability of Federal resources to ad-*
2 *dress the budgetary impacts of Hurricane Sandy*
3 *upon local governments;*

4 (4) *the ability of the Community Disaster Loan*
5 *program authorized under section 417 of the Robert*
6 *T. Stafford Disaster Relief and Emergency Assistance*
7 *Act (42 U.S.C. 5184) to effectively and expeditiously*
8 *address budgetary impacts of Hurricane Sandy and*
9 *other disasters upon local governments, including—*

10 (A) *an assessment of the current statutory*
11 *limits on loan amounts;*

12 (B) *the regulations, policies, and procedures*
13 *governing program mobilization to communities*
14 *in need and expeditious processing of loan appli-*
15 *cations;*

16 (C) *information on interest rates, repay-*
17 *ment terms, securitization requirements, and*
18 *ability of affected local governments to qualify*
19 *for such loans;*

20 (D) *criteria governing the cancellation of*
21 *such loans, including appropriate classification*
22 *of available revenues and eligible expenses, and*
23 *the consistency of program rules with customary*
24 *local government budgetary practices and State*
25 *or local laws that affect the specific budgetary*

1 *practices of local governments affected by Hurri-*
2 *cane Sandy and other disasters;*

3 *(E) repayment terms and timeframes on*
4 *loans that do not qualify for cancellation;*

5 *(F) options for Congressional consideration*
6 *related to legislative modifications of this pro-*
7 *gram, and any other applicable provisions of*
8 *Federal law, in order to address the budgetary*
9 *impacts of Hurricane Sandy and other disasters*
10 *upon local governments; and*

11 *(G) recommendations on steps the Federal*
12 *Emergency Management Agency may take in*
13 *order to improve program administration, effec-*
14 *tiveness, communications, and speed; and*

15 *(5) potential consequences of Federal action or*
16 *inaction to address the budgetary impacts of Hurri-*
17 *cane Sandy upon local governments.*

18 *(m) APPLICABILITY.—Unless otherwise specified, this*
19 *section and the amendments made by this section shall*
20 *apply for—*

21 *(1) any major disaster or emergency declared*
22 *under the Robert T. Stafford Disaster Relief and*
23 *Emergency Assistance Act (42 U.S.C. 5121 et seq.) on*
24 *or after the date of enactment of this Act; and*

1 (2) a major disaster or emergency declared before
2 the date of enactment of this Act for which the period
3 for processing requests for assistance has not ended on
4 the date of enactment of this Act.

5 *TITLE VII*

6 *DEPARTMENT OF THE INTERIOR*

7 *FISH AND WILDLIFE SERVICE*

8 *CONSTRUCTION*

9 *For an additional amount for “Construction” for nec-*
10 *essary expenses incurred to prepare for, respond to, and re-*
11 *cover from Hurricane Sandy, \$78,000,000, to remain avail-*
12 *able until expended: Provided, That such amount is des-*
13 *ignated by the Congress as being for an emergency require-*
14 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
15 *Budget and Emergency Deficit Control Act of 1985.*

16 *NATIONAL PARK SERVICE*

17 *HISTORIC PRESERVATION FUND*

18 *For an additional amount for the “Historic Preserva-*
19 *tion Fund” for necessary expenses related to the con-*
20 *sequences of Hurricane Sandy, \$50,000,000, to remain*
21 *available until September 30, 2015, including costs to states*
22 *necessary to complete compliance activities required by sec-*
23 *tion 106 of the National Historic Preservation Act and costs*
24 *needed to administer the program: Provided, That grants*
25 *shall only be available for areas that have received a major*

1 *disaster declaration pursuant to the Robert T. Stafford Dis-*
2 *aster Relief and Emergency Assistance Act (42 U.S.C. 5121*
3 *et seq.): Provided further, That individual grants shall not*
4 *be subject to a non-Federal matching requirement: Provided*
5 *further, That such amount is designated by the Congress*
6 *as being for an emergency requirement pursuant to section*
7 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
8 *Deficit Control Act of 1985.*

9 *CONSTRUCTION*

10 *For an additional amount for “Construction” for nec-*
11 *essary expenses incurred to prepare for, respond to, and re-*
12 *cover from Hurricane Sandy, \$348,000,000, to remain*
13 *available until expended: Provided, That such amount is*
14 *designated by the Congress as being for an emergency re-*
15 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
16 *anced Budget and Emergency Deficit Control Act of 1985.*

17 *BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT*

18 *OIL SPILL RESEARCH*

19 *For an additional amount for “Oil Spill Research”*
20 *for necessary expenses related to the consequences of Hurri-*
21 *cane Sandy, \$3,000,000, to remain available until ex-*
22 *pended: Provided, That such amount is designated by the*
23 *Congress as being for an emergency requirement pursuant*
24 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
25 *Emergency Deficit Control Act of 1985.*

1 *DEPARTMENTAL OPERATIONS*

2 *OFFICE OF THE SECRETARY*

3 *(INCLUDING TRANSFER OF FUNDS)*

4 *For an additional amount for “Departmental Oper-*
5 *ations” and any Department of the Interior component bu-*
6 *reau or office for necessary expenses related to the con-*
7 *sequences of Hurricane Sandy and for other activities re-*
8 *lated to storms and natural disasters, \$150,000,000, to re-*
9 *main available until expended: Provided, That funds ap-*
10 *propriated herein shall be used to restore and rebuild parks,*
11 *refuges, and other public assets; increase the resiliency and*
12 *capacity of coastal habitat and infrastructure to withstand*
13 *future storms and reduce the amount of damage caused by*
14 *such storms; protect natural and cultural values; and assist*
15 *State, tribal and local governments: Provided further, That*
16 *the Secretary may transfer these funds to any other account*
17 *in the Department and may expend such funds by direct*
18 *expenditure, grants, or cooperative agreements, including*
19 *grants to or cooperative agreements with States, Tribes, and*
20 *municipalities, to carry out the purposes provided herein:*
21 *Provided further, That the Secretary shall submit to the*
22 *Committees on Appropriations of the House of Representa-*
23 *tives and the Senate a detailed spending plan for the*
24 *amounts provided herein within 60 days of enactment of*
25 *this Act: Provided further, That such amount is designated*

1 *by the Congress as being for an emergency requirement pur-*
2 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
3 *Emergency Deficit Control Act of 1985.*

4 *ENVIRONMENTAL PROTECTION AGENCY*

5 *ENVIRONMENTAL PROGRAMS AND MANAGEMENT*

6 *For an additional amount for “Environmental Pro-*
7 *grams and Management” for necessary expenses related to*
8 *the consequences of Hurricane Sandy, \$725,000, to remain*
9 *available until expended: Provided, That such amount is*
10 *designated by the Congress as being for an emergency re-*
11 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
12 *anced Budget and Emergency Deficit Control Act of 1985.*

13 *HAZARDOUS SUBSTANCE SUPERFUND*

14 *For an additional amount for “Hazardous Substance*
15 *Superfund” for necessary expenses related to the con-*
16 *sequences of Hurricane Sandy, \$2,000,000, to remain avail-*
17 *able until expended: Provided, That such amount is des-*
18 *ignated by the Congress as being for an emergency require-*
19 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
20 *Budget and Emergency Deficit Control Act of 1985.*

21 *LEAKING UNDERGROUND STORAGE TANK FUND*

22 *For an additional amount for “Leaking Underground*
23 *Storage Tank Fund” for necessary expenses related to the*
24 *consequences of Hurricane Sandy, \$5,000,000, to remain*
25 *available until expended: Provided, That such amount is*

1 *designated by the Congress as being for an emergency re-*
2 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
3 *anced Budget and Emergency Deficit Control Act of 1985.*

4 *STATE AND TRIBAL ASSISTANCE GRANTS*

5 *For an additional amount for “State and Tribal As-*
6 *sistance Grants”, \$810,000,000, to remain available until*
7 *expended, of which \$700,000,000 shall be for capitalization*
8 *grants for the Clean Water State Revolving Funds under*
9 *Title VI of the Federal Water Pollution Control Act, and*
10 *of which \$110,000,000 shall be for capitalization grants*
11 *under section 1452 of the Safe Drinking Water Act: Pro-*
12 *vided, That notwithstanding section 604(a) of the Federal*
13 *Water Pollution Control Act and section 1452(a)(1)(D) of*
14 *the Safe Drinking Water Act, funds appropriated herein*
15 *shall be provided to States that have received a major dis-*
16 *aster declaration pursuant to the Robert T. Stafford Dis-*
17 *aster Relief and Emergency Assistance Act (42 U.S.C. 5121*
18 *et seq.) for Hurricane Sandy: Provided further, That no*
19 *eligible state shall receive less than two percent of such*
20 *funds: Provided further, That funds appropriated herein*
21 *shall not be subject to the matching or cost share require-*
22 *ments of sections 602(b)(2), 602(b)(3) or 202 of the Federal*
23 *Water Pollution Control Act nor the matching requirements*
24 *of section 1452(e) of the Safe Drinking Water Act: Provided*
25 *further, That notwithstanding the requirements of section*

1 603(d) of the Federal Water Pollution Control Act, for the
2 funds appropriated herein, each State shall use not less
3 than 50 percent of the amount of its capitalization grants
4 to provide additional subsidization to eligible recipients in
5 the form of forgiveness of principal, negative interest loans
6 or grants or any combination of these: Provided further,
7 That the funds appropriated herein shall only be used for
8 eligible projects whose purpose is to reduce flood damage
9 risk and vulnerability or to enhance resiliency to rapid hy-
10 drologic change or a natural disaster at treatment works
11 as defined by section 212 of the Federal Water Pollution
12 Control Act or any eligible facilities under section 1452 of
13 the Safe Drinking Water Act, and for other eligible tasks
14 at such treatment works or facilities necessary to further
15 such purposes: Provided further, That notwithstanding the
16 definition of treatment works in section 212 of the Federal
17 Water Pollution Control Act, and subject to the purposes
18 described herein, the funds appropriated herein shall be
19 available for the purchase of land and easements necessary
20 for the siting of eligible treatment works projects: Provided
21 further, That the Administrator may retain up to
22 \$1,000,000 of the funds appropriated herein for manage-
23 ment and oversight of the requirements of this section: Pro-
24 vided further, That such amounts are designated by the
25 Congress as being for an emergency requirement pursuant

1 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
2 *Emergency Deficit Control Act of 1985.*

3 *RELATED AGENCIES*

4 *DEPARTMENT OF AGRICULTURE*

5 *FOREST SERVICE*

6 *CAPITAL IMPROVEMENT AND MAINTENANCE*

7 *For an additional amount for “Capital Improvement*
8 *and Maintenance” for necessary expenses related to the con-*
9 *sequences of Hurricane Sandy, \$4,400,000, to remain avail-*
10 *able until expended: Provided, That such amount is des-*
11 *ignated by the Congress as being for an emergency require-*
12 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
13 *Budget and Emergency Deficit Control Act of 1985.*

14 *OTHER RELATED AGENCY*

15 *SMITHSONIAN INSTITUTION*

16 *SALARIES AND EXPENSES*

17 *For an additional amount for “Salaries and Ex-*
18 *penses” for necessary expenses related to the consequences*
19 *of Hurricane Sandy, \$2,000,000, to remain available until*
20 *expended: Provided, That such amount is designated by the*
21 *Congress as being for an emergency requirement pursuant*
22 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
23 *Emergency Deficit Control Act of 1985.*

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TITLE VIII

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Training and Employment Services”, \$50,000,000, for the dislocated workers assistance national reserve for necessary expenses resulting from Hurricane Sandy, which shall be available from the date of enactment of this Act through September 30, 2013: Provided, That the Secretary of Labor may transfer up to \$3,500,000 of such funds to any other Department of Labor account for other Hurricane Sandy reconstruction and recovery needs, including worker protection activities: Provided further, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF HEALTH AND HUMAN

SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

SOCIAL SERVICES BLOCK GRANT

For an additional amount for “Social Services Block Grant”, \$500,000,000, for necessary expenses resulting from Hurricane Sandy in States for which the President declared

1 *a major disaster under title IV of the Robert T. Stafford*
2 *Disaster Relief and Emergency Assistance Act, notwith-*
3 *standing section 2003 and paragraphs (1) and (4) of section*
4 *2005(a) of the Social Security Act: Provided, That, notwith-*
5 *standing section 2002 of the Social Security Act, the dis-*
6 *tribution of such amount shall be limited to States directly*
7 *affected by these events: Provided further, That section*
8 *2002(c) of the Social Security Act shall be applied to funds*
9 *appropriated in this paragraph by substituting succeeding*
10 *2 fiscal years for succeeding fiscal year: Provided further,*
11 *That funds appropriated in this paragraph are in addition*
12 *to the entitlement grants authorized by section 2002(a)(1)*
13 *of the Social Security Act and shall not be available for*
14 *such entitlement grants: Provided further, That in addition*
15 *to other uses permitted by title XX of the Social Security*
16 *Act, funds appropriated in this paragraph may be used for*
17 *health services (including mental health services), and for*
18 *costs of renovating, repairing, or rebuilding health care fa-*
19 *cilities (including mental health facilities), child care facili-*
20 *ties, or other social services facilities: Provided further, That*
21 *notwithstanding paragraphs (2) and (8) of section 2005(a)*
22 *of the Social Security Act, a State may use up to 10 percent*
23 *of its allotment of funds appropriated in this paragraph*
24 *to supplement any other funds available for the following*
25 *costs, subject to guidelines established by the Secretary, for*

1 *health care providers (as defined by the Secretary): (a) pay-*
2 *ments to compensate employees of health care providers for*
3 *wages lost as a direct result of Hurricane Sandy, and (b)*
4 *payments to support the viability of health care providers*
5 *with facilities that were substantially damaged as a direct*
6 *result of Hurricane Sandy: Provided further, That funds*
7 *appropriated in this paragraph are also available for costs*
8 *incurred up to 3 days prior to Hurricane Sandy's October*
9 *29, 2012, landfall, subject to Federal review of documenta-*
10 *tion of the cost of services provided: Provided further, That*
11 *none of the funds appropriated in this paragraph shall be*
12 *available for costs that are reimbursed by the Federal Emer-*
13 *gency Management Agency or insurance: Provided further,*
14 *That, with respect to the Federal interest in real property*
15 *acquired or on which construction or major renovation of*
16 *facilities (as such terms are defined in 45 CFR 1309.3) is*
17 *undertaken with these funds, procedures equivalent to those*
18 *specified in Subpart C of 45 CFR Part 1309 shall apply:*
19 *Provided further, That such amount is designated by the*
20 *Congress as being for an emergency requirement pursuant*
21 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
22 *Emergency Deficit Control Act of 1985.*

23 *CHILDREN AND FAMILY SERVICES PROGRAMS*

24 *For an additional amount for "Children and Families*
25 *Services Programs", \$100,000,000, for making payments*

1 *under the Head Start Act in States for which the President*
2 *declared a major disaster under title IV of the Robert T.*
3 *Stafford Disaster Relief and Emergency Assistance Act as*
4 *a result of Hurricane Sandy: Provided, That funds appro-*
5 *priated in this paragraph are not subject to the allocation*
6 *requirements of section 640(a) or the matching require-*
7 *ments of section 640(b) of the Head Start Act: Provided*
8 *further, That funds appropriated in this paragraph shall*
9 *be available through September 30, 2014 for activities to*
10 *assist affected Head Start agencies, including technical as-*
11 *sistance, costs of Head Start services (including supportive*
12 *services for children and families, and provision of mental*
13 *health services for children affected by Hurricane Sandy),*
14 *and costs of renovating, repairing, or rebuilding those Head*
15 *Start facilities damaged as a result of Hurricane Sandy:*
16 *Provided further, That none of the funds appropriated in*
17 *this paragraph shall be included in the calculation of the*
18 *“base grant” in subsequent fiscal years, as such term is used*
19 *in section 640(a)(7)(A) of the Head Start Act: Provided fur-*
20 *ther, That none of the funds appropriated in this paragraph*
21 *shall be available for costs that are reimbursed by the Fed-*
22 *eral Emergency Management Agency or by insurance: Pro-*
23 *vided further, That such amounts are designated by the*
24 *Congress as being for an emergency requirement pursuant*

1 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
2 *Emergency Deficit Control Act of 1985.*

3 *OFFICE OF THE SECRETARY*

4 *PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For an additional amount for “Public Health and So-*
7 *cial Services Emergency Fund” for disaster response and*
8 *recovery, and other expenses related to Hurricane Sandy,*
9 *and for other disaster-response activities, \$200,000,000, to*
10 *remain available until expended: Provided, That these*
11 *funds may be transferred by the Secretary to accounts with-*
12 *in the Department of Health and Human Services, and*
13 *shall be available only for the purposes provided in this*
14 *paragraph: Provided further, That the transfer authority*
15 *provided in this paragraph is in addition to any other*
16 *transfer authority available in this or any other Act: Pro-*
17 *vided further, That obligations incurred for the purposes*
18 *provided herein prior to the enactment of this Act may be*
19 *charged to this appropriation: Provided further, That funds*
20 *appropriated in this paragraph may be used to make*
21 *grants for renovating, repairing, or rebuilding non-Federal*
22 *research facilities damaged as a result of Hurricane Sandy:*
23 *Provided further, That funds appropriated under this para-*
24 *graph shall not be available for costs that are eligible for*
25 *reimbursement by the Federal Emergency Management*

1 *Agency or are covered by insurance: Provided further, That*
2 *such amount is designated by the Congress as being for an*
3 *emergency requirement pursuant to section 251(b)(2)(A)(i)*
4 *of the Balanced Budget and Emergency Deficit Control Act*
5 *of 1985.*

6 *RELATED AGENCY*

7 *SOCIAL SECURITY ADMINISTRATION*

8 *LIMITATION ON ADMINISTRATIVE EXPENSES*

9 *For an additional amount for “Limitation on Admin-*
10 *istrative Expenses”, \$2,000,000, for necessary expenses re-*
11 *sulting from Hurricane Sandy: Provided, That such*
12 *amount is designated by the Congress as being for an emer-*
13 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
14 *the Balanced Budget and Emergency Deficit Control Act*
15 *of 1985.*

16 *TITLE IX*

17 *DEPARTMENT OF DEFENSE*

18 *MILITARY CONSTRUCTION*

19 *MILITARY CONSTRUCTION, ARMY NATIONAL GUARD*

20 *For an additional amount for “Military Construction,*
21 *Army National Guard”, \$24,200,000, to remain available*
22 *until September 30, 2014, for necessary expenses related to*
23 *the consequences of Hurricane Sandy: Provided, That such*
24 *funds may be obligated or expended for planning and de-*
25 *sign and military construction projects not otherwise au-*

1 *thorized by law: Provided further, That such amount is des-*
2 *ignated by the Congress as being for an emergency require-*
3 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
4 *Budget and Emergency Deficit Control Act of 1985.*

5 *DEPARTMENT OF VETERANS AFFAIRS*

6 *VETERANS HEALTH ADMINISTRATION*

7 *MEDICAL SERVICES*

8 *For an additional amount for “Medical Services”,*
9 *\$21,000,000, to remain available until September 30, 2014,*
10 *for necessary expenses related to the consequences of Hurri-*
11 *cane Sandy: Provided, That such amount is designated by*
12 *the Congress as being for an emergency requirement pursu-*
13 *ant to section 251(b)(2)(A)(i) of the Balanced Budget and*
14 *Emergency Deficit Control Act of 1985.*

15 *MEDICAL FACILITIES*

16 *For an additional amount for “Medical Facilities”,*
17 *\$6,000,000, to remain available until September 30, 2014,*
18 *for necessary expenses related to the consequences of Hurri-*
19 *cane Sandy: Provided, That such amount is designated by*
20 *the Congress as being for an emergency requirement pursu-*
21 *ant to section 251(b)(2)(A)(i) of the Balanced Budget and*
22 *Emergency Deficit Control Act of 1985.*

23 *NATIONAL CEMETERY ADMINISTRATION*

24 *For an additional amount for “National Cemetery Ad-*
25 *ministration”, \$1,100,000, for necessary expenses related to*

1 *the consequences of Hurricane Sandy: Provided, That such*
2 *amount is designated by the Congress as being for an emer-*
3 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
4 *the Balanced Budget and Emergency Deficit Control Act*
5 *of 1985.*

6 *DEPARTMENTAL ADMINISTRATION*

7 *INFORMATION TECHNOLOGY SYSTEMS*

8 *For an additional amount for “Information Tech-*
9 *nology Systems”, \$500,000, for necessary expenses related*
10 *to the consequences of Hurricane Sandy: Provided, That*
11 *such amount is designated by the Congress as being for an*
12 *emergency requirement pursuant to section 251(b)(2)(A)(i)*
13 *of the Balanced Budget and Emergency Deficit Control Act*
14 *of 1985.*

15 *CONSTRUCTION, MAJOR PROJECTS*

16 *For an additional amount for “Construction, Major*
17 *Projects”, \$207,000,000 to remain available until expended,*
18 *for renovations and repairs to the Department of Veterans*
19 *Affairs Medical Center in Manhattan, New York, as a con-*
20 *sequence of damage caused by Hurricane Sandy: Provided,*
21 *That notwithstanding any other provision of law, such*
22 *funds may be obligated and expended to carry out planning*
23 *and design and major medical facility construction not oth-*
24 *erwise authorized by law: Provided further, That such*
25 *amount is designated by the Congress as being for an emer-*

1 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
2 *the Balanced Budget and Emergency Deficit Control Act*
3 *of 1985.*

4 *TITLE X*

5 *DEPARTMENT OF TRANSPORTATION*

6 *FEDERAL AVIATION ADMINISTRATION*

7 *FACILITIES AND EQUIPMENT*

8 *(AIRPORT AND AIRWAY TRUST FUND)*

9 *For an additional amount for “Facilities and equip-*
10 *ment”, \$30,000,000, to be derived from the Airport and Air-*
11 *way Trust Fund and to remain available until expended,*
12 *for necessary expenses related to the consequences of Hurri-*
13 *cane Sandy: Provided, That such amount is designated by*
14 *the Congress as being for an emergency requirement pursu-*
15 *ant to section 251(b)(2)(A)(i) of the Balanced Budget and*
16 *Emergency Deficit Control Act of 1985.*

17 *FEDERAL HIGHWAY ADMINISTRATION*

18 *FEDERAL-AID HIGHWAYS*

19 *EMERGENCY RELIEF PROGRAM*

20 *For an additional amount for the Emergency Relief*
21 *Program as authorized under section 125 of title 23, United*
22 *States Code, \$921,000,000, to remain available until ex-*
23 *pended: Provided, That such amount is designated by the*
24 *Congress as being for an emergency requirement pursuant*

1 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
2 *Emergency Deficit Control Act of 1985.*

3 *FEDERAL RAILROAD ADMINISTRATION*
4 *GRANTS TO THE NATIONAL RAILROAD PASSENGER*
5 *CORPORATION*

6 *For an additional amount for the Secretary to make*
7 *grants to the National Railroad Passenger Corporation for*
8 *costs and losses incurred as a result of Hurricane Sandy*
9 *and to advance capital projects that address Northeast Cor-*
10 *ridor infrastructure recovery, mitigation and resiliency in*
11 *the affected areas, \$336,000,000, to remain available until*
12 *expended: Provided, That the Administrator of the Federal*
13 *Railroad Administration may retain up to one-half of 1*
14 *percent of the funds provided under this heading to fund*
15 *the award and oversight by the Administrator of grants*
16 *made under this heading: Provided further, That such*
17 *amount is designated by the Congress as being for an emer-*
18 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
19 *the Balanced Budget and Emergency Deficit Control Act*
20 *of 1985.*

21 *FEDERAL TRANSIT ADMINISTRATION*
22 *PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM*
23 *For the Public Transportation Emergency Relief Pro-*
24 *gram as authorized under section 5324 of title 49, United*
25 *States Code, \$10,783,000,000, to remain available until ex-*

1 *pending, for recovery and relief efforts in the areas most af-*
2 *ected by Hurricane Sandy: Provided, That, of the funds*
3 *provided under this heading, the Secretary may transfer up*
4 *to \$5,383,000,000 to the appropriate agencies to fund pro-*
5 *grams authorized under titles 23 and 49, United States*
6 *Code, in order to carry out mitigation projects related to*
7 *reducing risk of damage from future disasters in areas im-*
8 *acted by Hurricane Sandy: Provided further, That the*
9 *Committees on Appropriations of the Senate and the House*
10 *of Representatives shall be notified at least 15 days in ad-*
11 *vance of any such transfer: Provided further, That notwith-*
12 *standing any other provision of law, the Federal share for*
13 *all projects funded under this heading for repairs, recon-*
14 *struction or mitigation of transportation infrastructure in*
15 *areas impacted by Hurricane Sandy shall be 90 percent:*
16 *Provided further, That up to three-quarters of 1 percent of*
17 *the funds retained for public transportation emergency re-*
18 *lief shall be available for the purposes of administrative ex-*
19 *penses and ongoing program management oversight as au-*
20 *thorized under 49 U.S.C. 5334 and 5338(i)(2) and shall*
21 *be in addition to any other appropriations for such pur-*
22 *poses: Provided further, That, of the funds made available*
23 *under this heading, \$6,000,000 shall be transferred to the*
24 *Office of Inspector General to support the oversight of ac-*
25 *tivities funded under this heading: Provided further, That*

1 *such amounts are designated by the Congress as being for*
2 *an emergency requirement pursuant to section*
3 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
4 *Deficit Control Act of 1985.*

5 *DEPARTMENT OF HOUSING AND URBAN*

6 *DEVELOPMENT*

7 *COMMUNITY PLANNING AND DEVELOPMENT*

8 *COMMUNITY DEVELOPMENT FUND*

9 *For an additional amount for the “Community Devel-*
10 *opment Fund” for necessary expenses related to disaster re-*
11 *lief, long-term recovery, restoration of infrastructure and*
12 *housing, economic revitalization, and mitigation in the*
13 *most impacted and distressed areas resulting from a major*
14 *disaster declared pursuant to the Robert T. Stafford Dis-*
15 *aster Relief and Emergency Assistance Act (42 U.S.C. 5121*
16 *et seq.), due to Hurricane Sandy, for activities authorized*
17 *under title I of the Housing and Community Development*
18 *Act of 1974 (42 U.S.C. 5301 et seq.), \$17,000,000,000, to*
19 *remain available until expended, of which at least*
20 *\$2,000,000,000 shall be used for mitigation projects to re-*
21 *duce future risk and vulnerabilities: Provided, That the Sec-*
22 *retary shall establish a minimum allocation for each eligi-*
23 *ble State declared a major disaster due to Hurricane*
24 *Sandy: Provided further, That of the amount provided*
25 *under this heading, \$500,000,000 shall be used to address*

1 *the unmet needs of impacted areas resulting from a major*
2 *disaster declared pursuant to the Robert T. Stafford Dis-*
3 *aster Relief Act (42 U.S.C. 5121 et seq.) or for small, eco-*
4 *nomically distressed areas with a disaster declared in 2011*
5 *or 2012: Provided further, That funds shall be awarded di-*
6 *rectly to the State or unit of general local government as*
7 *a grantee at the discretion of the Secretary: Provided fur-*
8 *ther, That the Secretary shall allocate to grantees not less*
9 *than 33 percent of the funds provided under this heading*
10 *within 60 days after the enactment of this Act based on*
11 *the best available data: Provided further, That prior to the*
12 *obligation of funds, a grantee shall submit a plan to the*
13 *Secretary for approval detailing the proposed use of all*
14 *funds, including criteria for eligibility and how the use of*
15 *these funds will address long-term recovery and restoration*
16 *of infrastructure and housing and economic revitalization*
17 *in the most impacted and distressed areas: Provided fur-*
18 *ther, That the Secretary shall by notice specify the criteria*
19 *for approval of such plans within 45 days of enactment of*
20 *this Act: Provided further, That such funds may not be used*
21 *for activities reimbursable by, or for which funds are made*
22 *available by, the Federal Emergency Management Agency*
23 *or the Army Corps of Engineers: Provided further, That the*
24 *final paragraph under the heading Community Develop-*
25 *ment Block Grants in title II of Public Law 105–276 (42*

1 *U.S.C. 5305 note) shall not apply to funds provided under*
2 *this heading: Provided further, That funds allocated under*
3 *this heading shall not be considered relevant to the non-*
4 *disaster formula allocations made pursuant to 42 U.S.C.*
5 *5306: Provided further, That a grantee may use up to 5*
6 *percent of its allocation for administrative costs: Provided*
7 *further, That the Secretary shall require that grantees have*
8 *established procedures to ensure timely expenditure of funds*
9 *and prevent any duplication of benefits as defined by 42*
10 *U.S.C. 5155 and prevent fraud and abuse of funds: Pro-*
11 *vided further, That the Secretary shall provide grantees*
12 *with technical assistance on contracting and procurement*
13 *processes and shall require grantees, in contracting or pro-*
14 *curing for management and administration of these funds,*
15 *to incorporate performance requirements and penalties into*
16 *any such contracts or agreements and to maintain informa-*
17 *tion with respect to performance on the use of any funds*
18 *for management and administrative purposes: Provided*
19 *further, That in administering the funds under this head-*
20 *ing, the Secretary may waive, or specify alternative re-*
21 *quirements for, any provision of any statute or regulation*
22 *that the Secretary administers in connection with the obli-*
23 *gation by the Secretary or the use by the recipient of these*
24 *funds (except for requirements related to fair housing, non-*
25 *discrimination, labor standards, and the environment),*

1 *pursuant to a determination by the Secretary that good*
2 *cause exists for the waiver or alternative requirement and*
3 *that such action is not inconsistent with the overall pur-*
4 *poses of title I of the Housing and Community Development*
5 *Act of 1974 (42 U.S.C. 5301 et seq.): Provided further, That*
6 *notwithstanding the previous proviso, recipients of funds*
7 *provided under this heading that use such funds to match*
8 *or supplement Federal assistance provided under sections*
9 *402, 403, 406, 407, or 502 of the Robert T. Stafford Disaster*
10 *Relief and Emergency Assistance Act (42 U.S.C. 5121 et*
11 *seq.) may adopt, without review or public comment, any*
12 *environmental review, approval, or permit performed by a*
13 *Federal agency, and such adoption shall satisfy the respon-*
14 *sibilities of the recipient with respect to such environmental*
15 *review, approval, or permit: Provided further, That, not-*
16 *withstanding 42 U.S.C. 5304(g)(2), the Secretary may,*
17 *upon receipt of a request for release of funds and certifi-*
18 *cation, immediately approve the release of funds for an ac-*
19 *tivity or project assisted under this heading if the recipient*
20 *has adopted an environmental review prepared under the*
21 *National Environmental Policy Act of 1969 (42 U.S.C.*
22 *4321 et seq.) or the project is categorically excluded from*
23 *further review under the National Environmental Policy*
24 *Act of 1969 (42 U.S.C. 4321 et seq.): Provided further, That*
25 *a waiver granted by the Secretary may not reduce the per-*

1 *centage of funds which must be used for activities that ben-*
2 *efit persons of low and moderate income to less than 50*
3 *percent, unless the Secretary specifically finds that there is*
4 *a compelling need to further reduce or eliminate the per-*
5 *centage requirement: Provided further, That the Secretary*
6 *shall publish in the Federal Register any waiver of any*
7 *statute or regulation that the Secretary administers pursu-*
8 *ant to title I of the Housing and Community Development*
9 *Act of 1974 no later than 5 days before the effective date*
10 *of such waiver: Provided further, That funds provided*
11 *under this heading to for-profit enterprises may only assist*
12 *such enterprises that meet the definition of small business*
13 *as defined by the Small Business Administration under 13*
14 *CFR part 121: Provided further, That notwithstanding the*
15 *previous proviso, funds may be provided to a for-profit en-*
16 *terprise, that does not meet such definition of small busi-*
17 *ness, but which provides a public benefit, is publicly regu-*
18 *lated, and is otherwise eligible for assistance under 42*
19 *U.S.C. 5301 et seq., and the implementing regulations at*
20 *24 CFR Part 570.201(l): Provided further, That of the*
21 *funds made available under this heading, up to \$10,000,000*
22 *may be transferred to “Program Office Salaries and Ex-*
23 *penses, Community Planning and Development” for tech-*
24 *nical assistance and administrative costs (including infor-*
25 *mation technology costs), related solely to administering*

1 *funds available under this heading or funds made available*
2 *under prior appropriations to the “Community Develop-*
3 *ment Fund” for disaster relief, long-term recovery, or emer-*
4 *gency expenses: Provided further, That, of the funds made*
5 *available under this heading, \$10,000,000 shall be trans-*
6 *ferred to “Office of Inspector General”: Provided further,*
7 *That the amounts provided under this heading are des-*
8 *ignated by the Congress as being for an emergency require-*
9 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
10 *Budget and Emergency Deficit Control Act of 1985.*

11 **GENERAL PROVISIONS—THIS TITLE**

12 *SEC. 1001. For fiscal year 2013, upon request by a*
13 *public housing agency and supported by documentation as*
14 *required by the Secretary of Housing and Urban Develop-*
15 *ment that demonstrates that the need for the adjustment*
16 *is due to the disaster, the Secretary may make temporary*
17 *adjustments to the Section 8 housing choice voucher annual*
18 *renewal funding allocations and administrative fee eligi-*
19 *bility determinations for public housing agencies in an area*
20 *for which the President declared a disaster under title IV*
21 *of the Robert T. Stafford Disaster Relief and Emergency*
22 *Assistance Act (42 U.S.C. 5170 et seq.), to avoid significant*
23 *adverse funding impacts that would otherwise result from*
24 *the disaster.*

1 *Deficit Control Act of 1985 shall be available only if the*
2 *President subsequently so designates all such amounts and*
3 *transmits such designations to the Congress.*

4 *SEC. 1103. (a) Not later than March 31, 2013, in ac-*
5 *cordance with criteria to be established by the Office of*
6 *Management and Budget (OMB), Federal agencies shall*
7 *submit to OMB and to the Committee on Appropriations*
8 *of the House of Representatives and of the Senate internal*
9 *control plans for funds provided by this Act.*

10 *(b) All programs and activities receiving funds under*
11 *this Act shall be deemed to be “susceptible to significant*
12 *improper payments” for purposes of the Improper Pay-*
13 *ments Information Act of 2002 (31 U.S.C. 3321 note)*
14 *(IPIA), notwithstanding section 2(a) of IPIA.*

15 *(c) In accordance with guidance to be issued by the*
16 *Director of OMB, agencies shall identify those grants for*
17 *which the funds provided by this Act should be expended*
18 *by the grantees within the 24-month period following the*
19 *agency’s obligation of funds for the grant. In the case of*
20 *such grants, the agency shall include a term in the grant*
21 *that:*

22 *(1) requires the grantee to return to the agency*
23 *any funds not expended within the 24-month period;*
24 *and*

1 (2) provides that the head of the agency may,
2 after consultation with the Director of OMB, subse-
3 quently issue a waiver of this requirement based on
4 a determination by the head of the agency that excep-
5 tional circumstances exist that justify an extension of
6 the period in which the funds must be expended.

7 SEC. 1104. (a) In carrying out activities funded by
8 this Act, Federal agencies, in partnership with States, local
9 communities and tribes, shall inform plans for response, re-
10 covery, and rebuilding to reduce vulnerabilities from and
11 build long-term resiliency to future extreme weather events,
12 sea level rise, and coastal flooding. In carrying out activi-
13 ties funded by this title that involve repairing, rebuilding,
14 or restoring infrastructure and restoring land, project spon-
15 sors shall consider, where appropriate, the increased risks
16 and vulnerabilities associated with future extreme weather
17 events, sea level rise and coastal flooding.

18 (b) Funds made available in this Act shall be available
19 to develop, in partnership with State, local and tribal offi-
20 cials, regional projections and assessments of future risks
21 and vulnerabilities to extreme weather events, sea level rise
22 and coastal flooding that may be used for the planning re-
23 ferred to in subsection (a), and to encourage coordination
24 and facilitate long-term community resiliency.

1 *SEC. 1105. Recipients of Federal funds dedicated to*
2 *reconstruction efforts under this Act shall, to the greatest*
3 *extent practicable, ensure that such reconstruction efforts*
4 *maximize the utilization of technologies designed to miti-*
5 *gate future power outages, continue delivery of vital services*
6 *and maintain the flow of power to facilities critical to pub-*
7 *lic health, safety and welfare. The Secretary of Housing and*
8 *Urban Development as chair of the Hurricane Sandy Re-*
9 *building Task Force shall issue appropriate guidelines to*
10 *implement this requirement.*

11 *VEHICLES USE IN THE WAKE OF HURRICANE SANDY*

12 *SEC. 1106. (a) REPORT.—Not later than 7 days after*
13 *the date of enactment of this Act, the Department of Justice*
14 *and Department of Homeland Security shall identify and*
15 *relocate any vehicles currently based at the Washington,*
16 *D.C., headquarters of such agencies used for non-oper-*
17 *ational purposes to replace vehicles of those agencies dam-*
18 *aged by Hurricane Sandy. The Department of Justice and*
19 *Department of Homeland Security shall provide copies of*
20 *a report summarizing the actions taken to carry out this*
21 *subsection to the House and Senate Committees on Appro-*
22 *priations and Judiciary.*

23 *(b) FUNDING LIMITATION.—No funds provided by this*
24 *Act shall be used to purchase, repair, or replace any De-*
25 *partment of Justice or Department of Homeland security*

1 *vehicle until after the report required by subsection (a) has*
2 *been provided to Congress.*

3 *INCREASED EMBASSY SECURITY*

4 *SEC. 1107. Funds appropriated under the heading*
5 *“Administration of Foreign Affairs” under Title VIII of Di-*
6 *vision I of Public Law 112–74 and as carried forward*
7 *under Public Law 112–175, may be transferred to, and*
8 *merged with, any such other funds appropriated under such*
9 *title and heading: Provided, That such transfers shall be*
10 *subject to the regular notification procedures of the Commit-*
11 *tees on Appropriations.*

12 *PROHIBITION ON EMERGENCY SPENDING FOR PERSONS*

13 *HAVING SERIOUS DELINQUENT TAX DEBTS*

14 *SEC. 1108. (a) DEFINITION OF SERIOUSLY DELIN-*
15 *QUENT TAX DEBT.—In this section:*

16 *(1) IN GENERAL.—The term “seriously delin-*
17 *quent tax debt” means an outstanding debt under the*
18 *Internal Revenue Code of 1986 for which a notice of*
19 *lien has been filed in public records pursuant to sec-*
20 *tion 6323 of that Code.*

21 *(2) EXCLUSIONS.—The term “seriously delin-*
22 *quent tax debt” does not include—*

23 *(A) a debt that is being paid in a timely*
24 *manner pursuant to an agreement under section*
25 *6159 or 7122 of Internal Revenue Code of 1986;*
26 *and*

