

112TH CONGRESS
1ST SESSION

H. R. 1363

AN ACT

Making appropriations for the Department of Defense 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,*

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

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

Division A—Department of Defense Appropriations, 2011

Division B—Further Continuing Appropriations, 2011

3 **DIVISION A—DEPARTMENT OF DEFENSE**
 4 **APPROPRIATIONS, 2011**

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

10 **TITLE I**

11 **MILITARY PERSONNEL**

12 **MILITARY PERSONNEL, ARMY**

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

OPERATION AND MAINTENANCE, ARMY NATIONAL
GUARD

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

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

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

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

12 UNITED STATES COURT OF APPEALS FOR THE ARMED
 13 FORCES

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

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

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

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

13 ENVIRONMENTAL RESTORATION, NAVY

14 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

22 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

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

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

4 COOPERATIVE THREAT REDUCTION ACCOUNT

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

1 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE
2 DEVELOPMENT FUND

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

5 TITLE III
6 PROCUREMENT

7 AIRCRAFT PROCUREMENT, ARMY

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

22 MISSILE PROCUREMENT, ARMY

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

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

12 PROCUREMENT OF WEAPONS AND TRACKED COMBAT
13 VEHICLES, ARMY

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

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

3 PROCUREMENT OF AMMUNITION, ARMY

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

18 OTHER PROCUREMENT, ARMY

19 (INCLUDING TRANSFER OF FUNDS)

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

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

18 AIRCRAFT PROCUREMENT, NAVY

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

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

6 WEAPONS PROCUREMENT, NAVY

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

19 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
20 CORPS

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

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

10 SHIPBUILDING AND CONVERSION, NAVY

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

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

24 Carrier Replacement Program (AP),
25 \$908,313,000.

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

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

7 OTHER PROCUREMENT, NAVY

8 (INCLUDING TRANSFER OF FUNDS)

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

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

7 PROCUREMENT, MARINE CORPS

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

21 AIRCRAFT PROCUREMENT, AIR FORCE

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

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

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

3 MISSILE PROCUREMENT, AIR FORCE

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

18 PROCUREMENT OF AMMUNITION, AIR FORCE

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

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

8 OTHER PROCUREMENT, AIR FORCE

9 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

7 DEFENSE PRODUCTION ACT PURCHASES

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

12 TITLE IV

13 RESEARCH, DEVELOPMENT, TEST AND

14 EVALUATION

15 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

16 ARMY

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

22 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

23 NAVY

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

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

9 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

10 AIR FORCE

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

16 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

17 DEFENSE-WIDE

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

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

5 OPERATIONAL TEST AND EVALUATION, DEFENSE

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

15 TITLE V

16 REVOLVING AND MANAGEMENT FUNDS

17 DEFENSE WORKING CAPITAL FUNDS

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

20 NATIONAL DEFENSE SEALIFT FUND

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

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

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

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.

11 (TRANSFER OF FUNDS)

•HR 1363 EH

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

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

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

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

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

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

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

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

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

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

13 (TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

16 Navy MH-60R/S Helicopter Systems.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (c) This section does not apply to—

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

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

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

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

22 (RESCISSIONS)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (b) This section applies to—

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

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

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

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

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

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

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

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

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

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

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

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

17 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 SEC. 8061. Notwithstanding any other provision of
14 law, funds appropriated in this Act under the heading
15 “Research, Development, Test and Evaluation, Defense-
16 Wide” for any new start advanced concept technology
17 demonstration project or joint capability demonstration
18 project may only be obligated 30 days after a report, in-
19 cluding a description of the project, the planned acquisi-
20 tion and transition strategy and its estimated annual and
21 total cost, has been provided in writing to the 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. 8062. The Secretary of Defense shall provide
2 a classified quarterly report beginning 30 days after enact-
3 ment of this Act, to the House and Senate Appropriations
4 Committees, Subcommittees on Defense on certain mat-
5 ters as directed in the classified annex accompanying this
6 Act.

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

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

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

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

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

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

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

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

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

8 (INCLUDING TRANSFER OF FUNDS)

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

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

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

19 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

9 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 SEC. 8097. The amounts appropriated in title II of
15 this Act are hereby reduced by \$483,000,000 to reflect
16 excess cash balances in Department of Defense Working
17 Capital Funds, as follows: From “Operation and Mainte-
18 nance, Army”, \$483,000,000.

19 (INCLUDING TRANSFER OF FUNDS)

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

1 tablished for Fisher Houses and Suites pursuant to sec-
2 tion 2493(d) of title 10, United States Code.

3 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

6 (2) the report contains proprietary information.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (1) Business process reengineering.

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

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

1 (4) Performance measures.

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

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

8 (INCLUDING TRANSFER OF FUNDS)

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

21 (INCLUDING TRANSFER OF FUNDS)

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

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

22 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8109. In addition to amounts provided elsewhere in this Act, there is appropriated \$250,000,000, for an additional amount for “Operation and Maintenance, Defense-Wide”, to be available until expended: *Provided*, That such funds shall only be available to the Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, or for transfer to the Secretary of Education, notwithstanding any other provision of law, to make grants, conclude cooperative agreements, or supplement other Federal funds to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools: *Provided further*, That in making such funds available, the Office of Economic Adjustment or the Secretary of Education shall give priority consideration to those military installations with schools having the most serious capacity or facility condition deficiencies as determined by the Secretary of Defense.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 SEC. 8117. Notwithstanding any other provision of
20 this Act, to reflect savings from revised economic assump-
21 tions, the total amount appropriated in title II of this Act
22 is hereby reduced by \$244,000,000, the total amount ap-
23 propriated in title III of this Act is hereby reduced by
24 \$258,000,000, and the total amount appropriated in title
25 IV of this Act is hereby reduced by \$175,000,000: *Pro-*

1 *vided*, That the Secretary of Defense shall allocate this
2 reduction proportionally to each budget activity, activity
3 group, subactivity group, and each program, project, and
4 activity, within each appropriation account.

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

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

15 (1) the Secretary of Defense notifies the con-
16 gressional defense committees of the proposed dis-
17 establishment, closure, or realignment of the Joint
18 Forces Command; and

19 (2) the Secretary submits to the congressional
20 defense committees a plan for the disestablishment,
21 closure, or realignment of the Joint Forces Com-
22 mand, which plan shall contain at a minimum—

23 (A) an explanation of the projected savings
24 of the proposed disestablishment, closure, or re-
25 alignment;

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

3 (C) the budgetary impact of the proposed
4 disestablishment, closure, or realignment;

5 (D) the strategic and operational con-
6 sequences of the proposed disestablishment, clo-
7 sure, or realignment; and

8 (E) an appropriate local economic assess-
9 ment of the proposed disestablishment, closure,
10 or realignment, which shall include at a min-
11 imum—

12 (i) a list of Federal, State, and local
13 government departments and agencies that
14 are required by statute or regulation to
15 provide assistance and outreach for the
16 community affected by the proposed dis-
17 establishment, closure, or realignment; and

18 (ii) a list of the contractors and busi-
19 nesses affected by the proposed disestab-
20 lishment, closure, or realignment.

21 SEC. 8120. The explanatory statement regarding this
22 Act, printed in the House of Representatives section of
23 the Congressional Record on or about April 6, 2011, by
24 the Chairman of the Committee on Appropriations of the
25 House of Representatives, shall have the same effect with

1 respect to the allocation of funds and implementation of
2 this Act as if it were a Report of the Committee on Appro-
3 priations.

4 SEC. 8121. None of the funds appropriated or other-
5 wise made available by this Act or any other appropria-
6 tions Act may be used to transfer, release, or assist in
7 the transfer or release to or within the United States, its
8 territories, or possessions Khalid Sheikh Mohammed or
9 any other detainee who—

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

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

15 SEC. 8122. (a)(1) Except as provided in paragraph
16 (2), none of the funds appropriated or otherwise made
17 available by this Act or any other appropriations Act may
18 be used to transfer any individual detained at Guanta-
19 namo to the custody or effective control of the individual's
20 country of origin, any other foreign country, or any other
21 foreign entity unless the Secretary of Defense submits to
22 Congress the certification described in subsection (b) by
23 not later than 30 days before the transfer of the indi-
24 vidual.

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

8 (b) The certification described in this subsection is
9 a written certification made by the Secretary of Defense,
10 with the concurrence of the Secretary of State, that the
11 government of the foreign country or the recognized lead-
12 ership of the foreign entity to which the individual de-
13 tained at Guantanamo is to be transferred—

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

16 (2) maintains effective control over each deten-
17 tion facility in which an individual is to be detained
18 if the individual is to be housed in a detention facil-
19 ity;

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

23 (4) has agreed to take effective steps to ensure
24 that the individual cannot take action to threaten

1 the United States, its citizens, or its allies in the fu-
2 ture;

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

7 (6) has agreed to share any information with
8 the United States that—

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

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

13 (c)(1) Except as provided in paragraph (3), none of
14 the funds appropriated or otherwise made available by this
15 Act or any other appropriations Act may be used to trans-
16 fer any individual detained at Guantanamo to the custody
17 or effective control of the individual's country of origin,
18 any other foreign country, or any other foreign entity if
19 there is a confirmed case of any individual who was de-
20 tained at United States Naval Station, Guantanamo Bay,
21 Cuba, at any time after September 11, 2001, who was
22 transferred to the foreign country or entity and subse-
23 quently engaged in any terrorist activity.

24 (2) The Secretary of Defense may waive the prohibi-
25 tion in paragraph (1) if the Secretary determines that

1 such a transfer is in the national security interests of the
2 United States and includes, as part of the certification de-
3 scribed in subsection (b) relating to such transfer, the de-
4 termination of the Secretary under this paragraph.

5 (3) Paragraph (1) shall not apply to any action taken
6 by the Secretary to transfer any individual detained at
7 Guantanamo to effectuate an order affecting the disposi-
8 tion of the individual that is issued by a court or com-
9 petent tribunal of the United States having lawful jurisdic-
10 tion. The Secretary shall notify Congress promptly upon
11 issuance of any such order.

12 (d) For the purposes of this section:

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

17 (A) is not a citizen of the United States or
18 a member of the Armed Forces of the United
19 States; and

20 (B) is—

21 (I) in the custody or under the effec-
22 tive control of the Department of Defense;
23 or

1 (ii) otherwise under detention at
2 United States Naval Station, Guantanamo
3 Bay, Cuba.

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

8 SEC. 8123. (a) None of the funds appropriated or
9 otherwise made available by this Act or any other appro-
10 priations Act may be used to construct or modify any facil-
11 ity in the United States, its territories, or possessions to
12 house any individual described in subsection (c)) for the
13 purposes of detention or imprisonment in the custody or
14 under the effective control of the Department of Defense.

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

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

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

24 (2) is—

1 (A) in the custody or under the effective
2 control of the Department of Defense; or

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

5 TITLE IX

6 OVERSEAS CONTINGENCY OPERATIONS

7 MILITARY PERSONNEL

8 MILITARY PERSONNEL, ARMY

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

17 MILITARY PERSONNEL, NAVY

18 For an additional amount for “Military Personnel,
19 Navy”, \$1,308,719,000: *Provided*, That each amount in
20 this paragraph is designated as being for contingency op-
21 erations directly related to the global war on terrorism
22 pursuant to section 3(c)(2) of H. Res. 5 (112th Congress)
23 and as an emergency requirement pursuant to section
24 403(a) of S. Con. Res. 13 (111th Congress), the concur-
25 rent resolution on the budget for fiscal year 2010.

1 MILITARY PERSONNEL, MARINE CORPS

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

10 MILITARY PERSONNEL, AIR FORCE

11 For an additional amount for “Military Personnel,
12 Air Force”, \$2,060,442,000: *Provided*, That each amount
13 in this paragraph is designated as being for contingency
14 operations directly related to the global war on terrorism
15 pursuant to section 3(c)(2) of H. Res. 5 (112th Congress)
16 and as an emergency requirement pursuant to section
17 403(a) of S. Con. Res. 13 (111th Congress), the concur-
18 rent resolution on the budget for fiscal year 2010.

19 RESERVE PERSONNEL, ARMY

20 For an additional amount for “Reserve Personnel,
21 Army”, \$268,031,000: *Provided*, That each amount in this
22 paragraph is designated as being for contingency oper-
23 ations directly related to the global war on terrorism pur-
24 suant to section 3(c)(2) of H. Res. 5 (112th Congress)
25 and as an emergency requirement pursuant to section

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

3 RESERVE PERSONNEL, NAVY

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

12 RESERVE PERSONNEL, MARINE CORPS

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

21 RESERVE PERSONNEL, AIR FORCE

22 For an additional amount for “Reserve Personnel,
23 Air Force”, \$27,002,000: *Provided*, That each amount in
24 this paragraph is designated as being for contingency op-
25 erations directly related to the global war on terrorism

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

5 NATIONAL GUARD PERSONNEL, ARMY

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

14 NATIONAL GUARD PERSONNEL, AIR FORCE

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

1 OPERATION AND MAINTENANCE

2 OPERATION AND MAINTENANCE, ARMY

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

11 OPERATION AND MAINTENANCE, NAVY

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

20 OPERATION AND MAINTENANCE, MARINE CORPS

21 For an additional amount for “Operation and Main-
22 tenance, Marine Corps”, \$4,008,022,000: *Provided*, That
23 each amount in this paragraph is designated as being for
24 contingency operations directly related to the global war
25 on terrorism pursuant to section 3(c)(2) of H. Res. 5

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

5 OPERATION AND MAINTENANCE, AIR FORCE

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

15 OPERATION AND MAINTENANCE, DEFENSE-WIDE

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

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

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

1 *ther*, That these funds may be used for the purpose
2 of providing specialized training and procuring sup-
3 plies and specialized equipment and providing such
4 supplies and loaning such equipment on a non-reim-
5 bursable basis to coalition forces supporting United
6 States military operations in Iraq and Afghanistan,
7 and 15 days following notification to the appropriate
8 congressional committees: *Provided further*, That the
9 Secretary of Defense shall provide quarterly reports
10 to the congressional defense committees on the use
11 of funds provided in this paragraph.

12 OPERATION AND MAINTENANCE, ARMY RESERVE

13 For an additional amount for “Operation and Main-
14 tenance, Army Reserve”, \$206,784,000: *Provided*, That
15 each amount in this paragraph is designated as being for
16 contingency operations directly related to the global war
17 on terrorism pursuant to section 3(c)(2) of H. Res. 5
18 (112th Congress) and as an emergency requirement pur-
19 suant 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, NAVY RESERVE

23 For an additional amount for “Operation and Main-
24 tenance, Navy Reserve”, \$93,559,000: *Provided*, That
25 each amount in this paragraph is designated as being for

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

7 OPERATION AND MAINTENANCE, MARINE CORPS

8 RESERVE

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

18 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

19 For an additional amount for “Operation and Main-
20 tenance, Air Force Reserve”, \$203,807,000: *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(c)(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-

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

OPERATION AND MAINTENANCE, ARMY NATIONAL
GUARD

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

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

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

1 AFGHANISTAN INFRASTRUCTURE FUND

2 (INCLUDING TRANSFER OF FUNDS)

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

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

1 to or from, or obligations from the Fund, notify the appro-
2 priate committees of Congress in writing of the details of
3 any such transfer: *Provided further*, That the “appropriate
4 committees of Congress” are the Committees on Armed
5 Services, Foreign Relations and Appropriations of the
6 Senate and the Committees on Armed Services, Foreign
7 Affairs and Appropriations of the House of Representa-
8 tives: *Provided further*, That each amount in this para-
9 graph is designated as being for contingency operations
10 directly related to the global war on terrorism pursuant
11 to section 3(c)(2) of H. Res. 5 (112th Congress) and as
12 an emergency requirement pursuant to section 403(a) of
13 S. Con. Res. 13 (111th Congress), the concurrent resolu-
14 tion on the budget for fiscal year 2010.

15 AFGHANISTAN SECURITY FORCES FUND

16 For the “Afghanistan Security Forces Fund”,
17 \$11,619,283,000, to remain available until September 30,
18 2012: *Provided*, That such funds shall be available to the
19 Secretary of Defense, notwithstanding any other provision
20 of law, for the purpose of allowing the Commander, Com-
21 bined Security Transition Command—Afghanistan, or the
22 Secretary’s designee, to provide assistance, with the con-
23 currence of the Secretary of State, to the security forces
24 of Afghanistan, including the provision of equipment, sup-
25 plies, services, training, facility and infrastructure repair,

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

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

5 IRAQ SECURITY FORCES FUND

6 For the “Iraq Security Forces Fund”,
7 \$1,500,000,000, to remain available until September 30,
8 2012: *Provided*, That such funds shall be available to the
9 Secretary of Defense, notwithstanding any other provision
10 of law, for the purpose of allowing the Commander, United
11 States Forces-Iraq, or the Secretary’s designee, to provide
12 assistance, with the concurrence of the Secretary of State,
13 to the security forces of Iraq, including the provision of
14 equipment, supplies, services, training, facility and infra-
15 structure repair, and renovation: *Provided further*, That
16 the authority to provide assistance under this heading is
17 in addition to any other authority to provide assistance
18 to foreign nations: *Provided further*, That contributions of
19 funds for the purposes provided herein from any person,
20 foreign government, or international organization may be
21 credited to this Fund and used for such purposes: *Pro-*
22 *vided further*, That the Secretary shall notify the congres-
23 sional defense committees in writing upon the receipt and
24 upon the obligation of any contribution, delineating the
25 sources and amounts of the funds received and the specific

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

16 PROCUREMENT

17 AIRCRAFT PROCUREMENT, ARMY

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

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

3 MISSILE PROCUREMENT, ARMY

4 For an additional amount for “Missile Procurement,
5 Army”, \$343,828,000, to remain available until Sep-
6 tember 30, 2013: *Provided*, That each amount in this
7 paragraph is designated as being for contingency oper-
8 ations directly related to the global war on terrorism pur-
9 suant to section 3(c)(2) of H. Res. 5 (112th Congress)
10 and as an emergency requirement pursuant to section
11 403(a) of S. Con. Res. 13 (111th Congress), the concur-
12 rent resolution on the budget for fiscal year 2010.

13 PROCUREMENT OF WEAPONS AND TRACKED COMBAT

14 VEHICLES, ARMY

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

1 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(c)(2) of H. Res. 5 (112th Congress)
8 and as an emergency requirement pursuant to section
9 403(a) of S. Con. Res. 13 (111th Congress), the concur-
10 rent resolution on the budget for fiscal year 2010.

11 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(c)(2) of H. Res. 5 (112th Congress)
18 and as an emergency requirement pursuant to section
19 403(a) of S. Con. Res. 13 (111th Congress), the concur-
20 rent resolution on the budget for fiscal year 2010.

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

6 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(c)(2) of H. Res. 5 (112th Congress)
13 and as an emergency requirement pursuant to section
14 403(a) of S. Con. Res. 13 (111th Congress), the concur-
15 rent resolution on the budget for fiscal year 2010.

16 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(c)(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-

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

OTHER PROCUREMENT, NAVY

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

PROCUREMENT, MARINE CORPS

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

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for “Aircraft Procurement, 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(c)(2) of H. Res. 5 (112th Congress)
5 and as an emergency requirement pursuant to section
6 403(a) of S. Con. Res. 13 (111th Congress), the concur-
7 rent resolution on the budget for fiscal year 2010.

8 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(c)(2) of H. Res. 5 (112th Congress)
15 and as an emergency requirement pursuant to section
16 403(a) of S. Con. Res. 13 (111th Congress), the concur-
17 rent resolution on the budget for fiscal year 2010.

18 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(c)(2) of H. Res. 5 (112th Congress)
25 and as an emergency requirement pursuant to section

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

3 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(c)(2) of H. Res. 5 (112th Congress)
 10 and as an emergency requirement pursuant to section
 11 403(a) of S. Con. Res. 13 (111th Congress), the concur-
 12 rent resolution on the budget for fiscal year 2010.

13 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(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 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(c)(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(c)(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.

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
4 ARMY

15 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
16 NAVY

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

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

RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
AIR FORCE

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

RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
DEFENSE-WIDE

For an additional amount for “Research, Development, Test and Evaluation, Defense-Wide”, \$222,616,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con.

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(c)(2) of H. Res. 5 (112th
10 Congress) and as an emergency requirement pursuant to
11 section 403(a) of S. Con. Res. 13 (111th Congress), the
12 concurrent resolution on the budget for fiscal year 2010.

13 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(c)(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(c)(2) of H. Res. 5
11 (112th Congress) and as an emergency requirement pur-
12 suant to section 403(a) of S. Con. Res. 13 (111th Con-
13 gress), the concurrent resolution on the budget for fiscal
14 year 2010.

15 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.

(INCLUDING TRANSFER OF FUNDS)

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

SEC. 9012. (a) The Task Force for Business and Stability Operations in Afghanistan may, subject to the direction and control of the Secretary of Defense and with the concurrence of the Secretary of State, carry out projects in fiscal year 2011 to assist the commander of the United States Central Command in developing a link between United States military operations in Afghanistan under Operation Enduring Freedom and the economic elements of United States national power in order to reduce violence, enhance stability, and restore economic normalcy in Afghanistan through strategic business and economic opportunities.

(b) The projects carried out under paragraph (a) may include projects that facilitate private investment, industrial development, banking and financial system development, agricultural diversification and revitalization, and energy development in and with respect to Afghanistan.

(c) The Secretary may use up to \$150,000,000 of the 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 SEC. 9014. From funds made available in this title
9 to the Department of Defense for operation and mainte-
10 nance, up to \$129,100,000 may be used by the Secretary
11 of Defense, notwithstanding any other provision of law,
12 to support the United States Government transition activi-
13 ties in Iraq by undertaking facilities renovation and con-
14 struction associated with establishing Office of Security
15 Cooperation locations, at no more than four sites, in Iraq:
16 *Provided*, That not less than 15 days before making funds
17 available pursuant to the authority provided in this sec-
18 tion, the Secretary shall submit to the congressional de-
19 fense committees a written notice containing a detailed
20 justification and timeline for each proposed site and the
21 source of funds.

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

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

**DIVISION B—FURTHER CONTINUING
APPROPRIATIONS, 2011**

SEC. 2001. The Continuing Appropriations Act, 2011
(Public Law 111–242) is further amended—

(1) by striking the date specified in section
106(3) and inserting “April 15, 2011”; and

(2) by adding after section 294, as added by
the Additional Continuing Appropriations Amend-
ments, 2011 (Public Law 112–6), the following new
sections:

“SEC. 295. Notwithstanding section 101, amounts
are provided for ‘Agricultural Programs—Agriculture
Buildings and Facilities and Rental Payments’ at a rate
for operations of \$262,093,000, of which \$178,812,000
shall be available for payments to the General Services Ad-
ministration for rent and of which \$69,781,000 shall be
for buildings operations and maintenance expenses.

“SEC. 296. Notwithstanding section 101, amounts
are provided for ‘Agricultural Programs—Departmental
Administration’ at a rate for operations of \$28,809,000:
Provided, That the second proviso under such heading in
Public Law 111–80 shall not apply to funds appropriated
by this Act.

“SEC. 297. Notwithstanding section 101, amounts
are provided for ‘Agricultural Programs—National Agri-

1 cultural Statistics Service’ at a rate for operations of
2 \$151,830,000: *Provided*, That the amounts included under
3 such heading in Public Law 111–80 shall be applied to
4 funds appropriated by this Act by substituting
5 ‘\$33,494,000’ for ‘\$37,908,000’.

6 “SEC. 298. Notwithstanding section 101, amounts
7 are provided for ‘Agricultural Programs—National Insti-
8 tute of Food and Agriculture—Integrated Activities’ at a
9 rate for operations of \$24,874,000: *Provided*, That the
10 amounts included under such heading in Public Law 111–
11 80 shall be applied to funds appropriated by this Act as
12 follows: by substituting ‘\$15,044,000’ for ‘\$45,148,000’;
13 by substituting ‘\$10,948,000’ for ‘\$12,649,000’; by sub-
14 stituting ‘\$0’ for ‘\$14,596,000’; by substituting ‘\$0’ for
15 ‘\$4,388,000’; by substituting ‘\$0’ for ‘\$1,365,000’; by
16 substituting ‘\$0’ for ‘\$3,054,000’; by substituting ‘\$0’ for
17 ‘\$5,000,000’; by substituting ‘\$0’ for ‘\$3,000,000’; by
18 substituting ‘\$0’ for ‘\$732,000’; and by substituting ‘\$0’
19 for ‘\$1,312,000’.

20 “SEC. 299. Notwithstanding sections 101 and 231,
21 amounts are provided for ‘Agricultural Programs—Ani-
22 mal and Plant Health Inspection Service—Salaries and
23 Expenses’ at a rate for operations of \$832,543,000: *Pro-
24 vided*, That the amounts included under such heading in
25 Public Law 111–80 shall be applied to funds appropriated

1 by this Act by substituting ‘\$45,219,000’ for
2 ‘\$60,243,000’.

3 “SEC. 300. Notwithstanding section 101, amounts
4 are provided for ‘Agricultural Programs—Farm Service
5 Agency—Salaries and Expenses’ at a rate for operations
6 of \$1,229,777,000.

7 “SEC. 301. Notwithstanding section 101, amounts
8 are provided for ‘Conservation Programs—Natural Re-
9 sources Conservation Service—Watershed Rehabilitation
10 Program’ at a rate for operations of \$25,161,000.

11 “SEC. 302. Notwithstanding section 101, amounts
12 are provided for ‘Conservation Programs—Natural Re-
13 sources Conservation Service—Resource Conservation and
14 Development’ at a rate for operations of \$24,730,000.

15 “SEC. 303. Notwithstanding section 101, amounts
16 are provided for ‘Rural Development Programs—Rural
17 Development Salaries and Expenses’ at a rate for oper-
18 ations of \$186,987,000.

19 “SEC. 304. Notwithstanding section 101, amounts
20 are provided for ‘Rural Development Programs—Rural
21 Housing Service—Rental Assistance Program’ at a rate
22 for operations of \$956,570,000: *Provided*, That this sec-
23 tion shall not apply to the amounts made available by sec-
24 tion 101 for the liquidation of debts under such account.

1 “SEC. 305. Notwithstanding section 101, in connec-
2 tion with the ‘Rural Development Programs—Rural Busi-
3 ness-Cooperative Service—Rural Economic Development
4 Loans Program Account’, of the funds derived from inter-
5 est on the cushion of credit payments, as authorized by
6 section 313 of the Rural Electrification Act of 1936,
7 \$102,463,000 shall not be obligated and \$102,463,000 is
8 rescinded.

9 “SEC. 306. Notwithstanding section 101, amounts
10 are provided for ‘Rural Development Programs—Rural
11 Utilities Service—Rural Water and Waste Disposal Pro-
12 gram Account’ at a rate for operations of \$551,230,000:
13 *Provided*, That the amounts included under such heading
14 in Public Law 111–80 shall be applied to funds appro-
15 priated by this Act by substituting ‘\$0’ for ‘\$17,500,000’.

16 “SEC. 307. Notwithstanding section 101, amounts
17 are provided for ‘Domestic Food Programs—Food and
18 Nutrition Service—Special Supplemental Nutrition Pro-
19 gram for Women, Infants, and Children (WIC)’ at a rate
20 for operations of \$7,052,000,000.

21 “SEC. 308. Notwithstanding section 101, amounts
22 are provided for ‘Foreign Assistance and Related Pro-
23 grams—Foreign Agricultural Service—Food for Peace
24 Title II Grants’ at a rate for operations of
25 \$1,455,000,000.

1 “SEC. 309. Notwithstanding section 101, amounts
2 are provided for ‘Foreign Assistance and Related Pro-
3 grams—Foreign Agricultural Service—McGovern-Dole
4 International Food for Education and Child Nutrition
5 Program Grants’ at a rate for operations of \$199,500,000:
6 *Provided*, That the first proviso under such heading in
7 Public Law 111–80 shall not apply to funds appropriated
8 by this Act.

9 “SEC. 310. Section 748 of Public Law 111–80 shall
10 not apply for fiscal year 2011.

11 “SEC. 311. Subsections (g)(5)(A), (h)(1)(C)(i),
12 (h)(2)(B)(i), (j)(5)(A), and (k)(8)(A) of section 749 of
13 Public Law 111–80 shall be applied to funds appropriated
14 by this Act by substituting ‘\$0’ for each of the dollar
15 amounts specified in such subsections.

16 “SEC. 312. Of the unobligated balances available for
17 the cost of broadband loans, as authorized by section 601
18 of the Rural Electrification Act of 1936, \$39,000,000 is
19 rescinded.

20 “SEC. 313. Notwithstanding sections 101 and 117,
21 amounts are provided for ‘Department of Commerce—Bu-
22 reau of the Census—Periodic Censuses and Programs’ at
23 a rate for operations of \$942,315,000.

24 “SEC. 314. Notwithstanding sections 101 and 240,
25 amounts are provided for ‘Department of Commerce—Na-

1 tional Institute of Standards and Technology—Construc-
2 tion of Research Facilities’ at a rate for operations of
3 \$80,000,000: *Provided*, That the set-aside for a competi-
4 tive construction grant program under such heading in di-
5 vision B of Public Law 111–117 shall not apply to funds
6 appropriated by this Act.

7 “SEC. 315. Notwithstanding section 101, amounts
8 are provided for ‘Department of Justice—General Admin-
9 istration—National Drug Intelligence Center’ at a rate for
10 operations of \$34,023,000.

11 “SEC. 316. Notwithstanding section 101, amounts
12 are provided for ‘Department of Justice—General Admin-
13 istration—Tactical Law Enforcement Wireless Commu-
14 nications’ at a rate for operations of \$136,143,000.

15 “SEC. 317. Notwithstanding section 101, amounts
16 are provided for ‘Department of Justice—United States
17 Marshals Service—Construction’ at a rate for operations
18 of \$16,625,000.

19 “SEC. 318. Notwithstanding section 101, amounts
20 are provided for ‘Department of Justice—Federal Bureau
21 of Investigation—Construction’ at a rate for operations of
22 \$106,915,000.

23 “SEC. 319. Notwithstanding section 101, amounts
24 are provided for ‘Department of Justice—Bureau of Alco-

1 hol, Tobacco, Firearms and Explosives—Construction’ at
2 a rate for operations of \$0.

3 “SEC. 320. Notwithstanding section 101, amounts
4 are provided for ‘Department of Justice—Office of Justice
5 Programs—Weed and Seed Program Fund’ at a rate for
6 operations of \$0.

7 “SEC. 321. Notwithstanding section 101, amounts
8 are provided for ‘National Aeronautics and Space Admin-
9 istration—Space Operations’ at a rate for operations of
10 \$6,047,800,000: *Provided*, That the proviso under such
11 heading in division B of Public Law 111–117 shall not
12 apply to funds appropriated by this Act.

13 “SEC. 322. Notwithstanding section 101, amounts
14 are provided for ‘National Aeronautics and Space Admin-
15 istration—Construction and Environmental Compliance
16 and Remediation’ at a rate for operations of
17 \$408,300,000: *Provided*, That such rate shall not apply
18 to amounts made available by section 101 from lease pro-
19 ceeds under such account: *Provided further*, That the first
20 proviso under such heading in division B of Public Law
21 111–117 shall not apply to funds appropriated by this Act.

22 “SEC. 323. Of the unobligated balances of funds
23 made available in prior appropriation Acts for ‘Corps of
24 Engineers-Civil—Construction’, \$100,000,000 is re-
25 scinded: *Provided*, That no amounts in this section may

1 be rescinded from amounts that were designated by Con-
2 gress as an emergency requirement pursuant to a concur-
3 rent resolution on the budget or the Balanced Budget and
4 Emergency Deficit Control Act of 1985.

5 “SEC. 324. Notwithstanding sections 101 and 172,
6 amounts are provided for ‘Corps of Engineers-Civil—Mis-
7 sissippi River and Tributaries’ at a rate for operations of
8 \$240,000,000: *Provided*, That the proviso under such
9 heading in Public Law 111–85 shall not apply to funds
10 appropriated by this Act: *Provided further*, That of the un-
11 obligated balances of funds made available in prior appro-
12 priation Acts for ‘Corps of Engineers-Civil—Mississippi
13 River and Tributaries’ or ‘Corps of Engineers-Civil—
14 Flood Control, Mississippi River and Tributaries, Arkan-
15 sas, Illinois, Kentucky, Louisiana, Mississippi, Missouri,
16 and Tennessee’, \$22,000,000 is rescinded: *Provided fur-*
17 *ther*, That such rescission shall be derived by cancelling
18 unobligated balances for the Yazoo Basin, Backwater
19 Pump, Mississippi project: *Provided further*, That no
20 amounts in this section may be rescinded from amounts
21 that were designated by Congress as an emergency re-
22 quirement pursuant to a concurrent resolution on the
23 budget or the Balanced Budget and Emergency Deficit
24 Control Act of 1985.

1 “SEC. 325. Of the unobligated balances of funds
2 made available in prior appropriation Acts for ‘Depart-
3 ment of Energy—Energy Programs—Energy Efficiency
4 and Renewable Energy’, \$11,243,000 is rescinded: *Pro-*
5 *vided*, That no amounts in this section may be rescinded
6 from amounts that were designated by Congress as an
7 emergency requirement pursuant to a concurrent resolu-
8 tion on the budget or the Balanced Budget and Emer-
9 gency Deficit Control Act of 1985.

10 “SEC. 326. Of the unobligated balances of funds
11 made available in prior appropriation Acts for ‘Depart-
12 ment of Energy—Energy Programs—Electricity Delivery
13 and Energy Reliability’, \$2,400,000 is rescinded: *Pro-*
14 *vided*, That no amounts in this section may be rescinded
15 from amounts that were designated by Congress as an
16 emergency requirement pursuant to a concurrent resolu-
17 tion on the budget or the Balanced Budget and Emer-
18 gency Deficit Control Act of 1985.

19 “SEC. 327. Of the unobligated balances of funds
20 made available in prior appropriation Acts for ‘Depart-
21 ment of Energy—Energy Programs—Nuclear Energy’,
22 \$6,300,000 is rescinded: *Provided*, That no amounts in
23 this section may be rescinded from amounts that were des-
24 ignated by Congress as an emergency requirement pursu-

1 ant to a concurrent resolution on the budget or the Bal-
2 anced Budget and Emergency Deficit Control Act of 1985.

3 “SEC. 328. Of the unobligated balances of funds
4 made available in prior appropriation Acts for ‘Depart-
5 ment of Energy—Energy Programs—Fossil Energy Re-
6 search and Development’, \$30,600,000 is rescinded: *Pro-*
7 *vided*, That no amounts in this section may be rescinded
8 from amounts that were designated by Congress as an
9 emergency requirement pursuant to a concurrent resolu-
10 tion on the budget or the Balanced Budget and Emer-
11 gency Deficit Control Act of 1985.

12 “SEC. 329. Of the unobligated balances of funds
13 made available in prior appropriation Acts for ‘Depart-
14 ment of Energy—Energy Programs—Naval Petroleum
15 and Oil Shale Reserves’, \$2,100,000 is rescinded: *Pro-*
16 *vided*, That no amounts in this section may be rescinded
17 from amounts that were designated by Congress as an
18 emergency requirement pursuant to a concurrent resolu-
19 tion on the budget or the Balanced Budget and Emer-
20 gency Deficit Control Act of 1985.

21 “SEC. 330. Notwithstanding section 101, amounts
22 are provided for ‘Department of Energy—Energy Pro-
23 grams—Strategic Petroleum Reserve’ at a rate for oper-
24 ations of \$209,414,000: *Provided*, That of the unobligated
25 balances of funds made available under such heading in

1 Public Law 110–161, \$14,493,000 is rescinded, to be de-
2 rived from amounts made available for new site land ac-
3 quisition activities: *Provided further*, That of the unobli-
4 gated balances of funds made available under such head-
5 ing in Public Law 110–329, \$31,507,000 is rescinded, to
6 be derived from amounts made available for new site ex-
7 pansion activities, beyond land acquisition: *Provided fur-*
8 *ther*, That of the unobligated balances of funds made
9 available under such heading in Public Law 111–85,
10 \$25,000,000 is rescinded: *Provided further*, That of the
11 unobligated balances of funds made available under such
12 heading in prior appropriation Acts, in addition to the
13 other amounts rescinded in this section, \$15,300,000 is
14 rescinded: *Provided further*, That no amounts in this sec-
15 tion may be rescinded from amounts that were designated
16 by Congress as an emergency requirement pursuant to a
17 concurrent resolution on the budget or the Balanced
18 Budget and Emergency Deficit Control Act of 1985.

19 “SEC. 331. Of the unobligated balances of funds
20 made available in prior appropriation Acts for ‘Depart-
21 ment of Energy—Energy Programs—Clean Coal Tech-
22 nology’, \$18,000,000 is rescinded: *Provided*, That no
23 amounts in this section may be rescinded from amounts
24 that were designated by Congress as an emergency re-
25 quirement pursuant to a concurrent resolution on the

1 budget or the Balanced Budget and Emergency Deficit
2 Control Act of 1985.

3 “SEC. 332. Of the unobligated balances of funds
4 made available in prior appropriation Acts for ‘Depart-
5 ment of Energy—Energy Programs—Energy Information
6 Administration’, \$400,000 is rescinded: *Provided*, That no
7 amounts in this section may be rescinded from amounts
8 that were designated by Congress as an emergency re-
9 quirement pursuant to a concurrent resolution on the
10 budget or the Balanced Budget and Emergency Deficit
11 Control Act of 1985.

12 “SEC. 333. Notwithstanding section 101, amounts
13 are provided for ‘Department of Energy—Energy Pro-
14 grams—Non-Defense Environmental Cleanup’ at a rate
15 for operations of \$225,000,000.

16 “SEC. 334. Notwithstanding section 101, amounts
17 are provided for ‘Department of Energy—Energy Pro-
18 grams—Uranium Enrichment Decontamination and De-
19 commissioning Fund’ at a rate for operations of
20 \$514,000,000: *Provided*, That of the unobligated balances
21 of funds made available under such heading in prior ap-
22 propriation Acts, \$10,000,000 is rescinded: *Provided fur-*
23 *ther*, That no amounts in this section may be rescinded
24 from amounts that were designated by Congress as an
25 emergency requirement pursuant to a concurrent resolu-

1 tion on the budget or the Balanced Budget and Emer-
2 gency Deficit Control Act of 1985.

3 “SEC. 335. Of the unobligated balances of funds
4 made available in prior appropriation Acts for ‘Depart-
5 ment of Energy—Energy Programs—Science’,
6 \$7,200,000 is rescinded: *Provided*, That no amounts in
7 this section may be rescinded from amounts that were des-
8 ignated by Congress as an emergency requirement pursu-
9 ant to a concurrent resolution on the budget or the Bal-
10 anced Budget and Emergency Deficit Control Act of 1985.

11 “SEC. 336. Notwithstanding section 101, amounts
12 are provided for ‘Department of Energy—Energy Pro-
13 grams—Advanced Technology Vehicles Manufacturing
14 Loan Program’ at a rate for operations of \$9,998,000.

15 “SEC. 337. Of the unobligated balances of funds
16 made available in prior appropriation Acts for ‘Depart-
17 ment of Energy—Energy Programs—Departmental Ad-
18 ministration’, \$11,900,000 is rescinded: *Provided*, That no
19 amounts in this section may be rescinded from amounts
20 that were designated by Congress as an emergency re-
21 quirement pursuant to a concurrent resolution on the
22 budget or the Balanced Budget and Emergency Deficit
23 Control Act of 1985.

24 “SEC. 338. Of the unobligated balances of funds
25 made available in prior appropriation Acts for ‘Depart-

1 ment of Energy—Atomic Energy Defense Activities—Na-
2 tional Nuclear Security Administration—Naval Reactors’,
3 \$1,200,000 is rescinded: *Provided*, That no amounts in
4 this section may be rescinded from amounts that were des-
5 ignated by Congress as an emergency requirement pursu-
6 ant to a concurrent resolution on the budget or the Bal-
7 anced Budget and Emergency Deficit Control Act of 1985.

8 “SEC. 339. Notwithstanding sections 101 and 182,
9 amounts are provided for ‘Department of Energy—Atomic
10 Energy Defense Activities—National Nuclear Security
11 Administration—Office of the Administrator’ at a rate for
12 operations of \$399,793,000: *Provided*, That the last pro-
13 viso under such heading in Public Law 111–85 shall not
14 apply to funds appropriated by this Act: *Provided further*,
15 That of the unobligated balances of funds made available
16 under such heading in prior appropriation Acts,
17 \$4,400,000 is rescinded: *Provided further*, That no
18 amounts in this section may be rescinded from amounts
19 that were designated by Congress as an emergency re-
20 quirement pursuant to a concurrent resolution on the
21 budget or the Balanced Budget and Emergency Deficit
22 Control Act of 1985.

23 “SEC. 340. Notwithstanding sections 101 and 183,
24 amounts are provided for ‘Department of Energy—Envi-
25 ronmental and Other Defense Activities—Defense Envi-

1 ronmental Cleanup’ at a rate for operations of
2 \$5,096,000,000, of which \$33,700,000 shall be trans-
3 ferred to the ‘Uranium Enrichment Decontamination and
4 Decommissioning Fund’: *Provided*, That the proviso under
5 such heading in Public Law 111–85 shall not apply to
6 funds appropriated by this Act: *Provided further*, That of
7 the unobligated balances of funds made available under
8 such heading in prior appropriation Acts, \$11,900,000 is
9 rescinded: *Provided further*, That no amounts in this sec-
10 tion may be rescinded from amounts that were designated
11 by Congress as an emergency requirement pursuant to a
12 concurrent resolution on the budget or the Balanced
13 Budget and Emergency Deficit Control Act of 1985.

14 “SEC. 341. Notwithstanding sections 101 and 184,
15 amounts are provided for ‘Department of Energy—Envi-
16 ronmental and Other Defense Activities—Other Defense
17 Activities’ at a rate for operations of \$823,000,000: *Pro-*
18 *vided*, That the proviso under such heading in Public Law
19 111–85 shall not apply to funds appropriated by this Act:
20 *Provided further*, That of the unobligated balances of
21 funds made available under such heading in prior appro-
22 priation Acts, \$3,400,000 is rescinded: *Provided further*,
23 That no amounts in this section may be rescinded from
24 amounts that were designated by Congress as an emer-
25 gency requirement pursuant to a concurrent resolution on

1 the budget or the Balanced Budget and Emergency Def-
2 icit Control Act of 1985.

3 “SEC. 342. Notwithstanding section 101, amounts
4 are provided for ‘Denali Commission’ at a rate for oper-
5 ations of \$10,700,000: *Provided*, That of the unobligated
6 balances of funds made available under such heading in
7 prior appropriation Acts, \$15,000,000 is rescinded: *Pro-*
8 *vided further*, That no amounts in this section may be re-
9 scinded from amounts that were designated by Congress
10 as an emergency requirement pursuant to a concurrent
11 resolution on the budget or the Balanced Budget and
12 Emergency Deficit Control Act of 1985.

13 “SEC. 343. Notwithstanding section 101, amounts
14 are provided for ‘Department of the Treasury—Depart-
15 mental Offices—Department-Wide Systems and Capital
16 Investments Programs’ at a rate for operations of
17 \$4,000,000, and the first proviso under such heading in
18 division C of Public Law 111–117 shall not apply to funds
19 appropriated by this Act.

20 “SEC. 344. Of the unobligated balances available
21 under the heading ‘Department of the Treasury—Treas-
22 ury Forfeiture Fund’, \$400,000,000 is rescinded.

23 “SEC. 345. Notwithstanding section 101, amounts
24 are provided for ‘Department of the Treasury—Financial

1 Management Service—Salaries and Expenses’ at a rate
2 for operations of \$232,838,000.

3 “SEC. 346. Notwithstanding section 101, amounts
4 are provided for ‘Department of the Treasury—Alcohol
5 and Tobacco Tax and Trade Bureau—Salaries and Ex-
6 penses’ at a rate for operations of \$99,831,000, and the
7 proviso under such heading in division C of Public Law
8 111–117 shall not apply to funds appropriated by this Act.

9 “SEC. 347. Notwithstanding section 101, amounts
10 are provided for ‘Department of the Treasury—Bureau of
11 the Public Debt—Administering the Public Debt’ at a rate
12 for operations of \$184,658,000.

13 “SEC. 348. Notwithstanding sections 101 and 250,
14 amounts are provided for ‘Department of the Treasury—
15 Community Development Financial Institutions Fund
16 Program Account’ at a rate for operations of
17 \$163,600,000, and the requirement to transfer funds to
18 the Capital Magnet Fund and the funding designation of
19 \$3,150,000 for an additional pilot project grant under
20 such heading in division C of Public Law 111–117 shall
21 not apply to funds appropriated by this Act.

22 “SEC. 349. Notwithstanding section 101, amounts
23 are provided for ‘Executive Office of the President and
24 Funds Appropriated to the President—Office of Manage-

1 ment and Budget—Salaries and Expenses’ at a rate for
2 operations of \$92,500,000.

3 “SEC. 350. Notwithstanding section 101, amounts
4 are provided for ‘Executive Office of the President and
5 Funds Appropriated to the President—Partnership Fund
6 for Program Integrity Innovation’ at a rate for operations
7 of \$0.

8 “SEC. 351. Notwithstanding section 101, amounts
9 are provided for ‘Executive Office of the President and
10 Funds Appropriated to the President—Office of National
11 Drug Control Policy—Counterdrug Technology Assess-
12 ment Center’ at a rate for operations of \$0.

13 “SEC. 352. Notwithstanding sections 101 and 251,
14 amounts are provided for ‘Executive Office of the Presi-
15 dent and Funds Appropriated to the President—Office of
16 National Drug Control Policy—Other Federal Drug Con-
17 trol Programs’ at a rate for operations of \$142,400,000,
18 of which \$85,500,000 shall be for the Drug-Free Commu-
19 nities Program; and amounts included under such heading
20 shall be applied to funds appropriated by this Act by sub-
21 stituting ‘\$0’ for ‘\$1,000,000’, ‘\$1,250,000’, and
22 ‘\$250,000’.

23 “SEC. 353. Notwithstanding section 101, amounts
24 are provided for ‘The Judiciary—Supreme Court of the

1 United States—Care of the Building and Grounds’ at a
2 rate for operations of \$8,175,000.

3 “SEC. 354. Notwithstanding section 101, amounts
4 are provided for ‘The Judiciary—Courts of Appeals, Dis-
5 trict Courts, and Other Judicial Services—Fees of Jurors
6 and Commissioners’ at a rate for operations of
7 \$52,410,000.

8 “SEC. 355. Notwithstanding section 101, amounts
9 are provided for ‘District of Columbia—Federal Funds—
10 Federal Payment to the District of Columbia Courts’ at
11 a rate for operations of \$244,660,000, of which
12 \$59,000,000 shall be for capital improvements.

13 “SEC. 356. Notwithstanding section 101, amounts
14 are provided for ‘District of Columbia—Federal Funds—
15 Federal Payment for Consolidated Laboratory Facility’ at
16 a rate for operations of \$0.

17 “SEC. 357. Notwithstanding section 101, amounts
18 are provided for ‘District of Columbia—Federal Funds—
19 Federal Payment for Housing for the Homeless’ at a rate
20 for operations of \$10,000,000.

21 “SEC. 358. Notwithstanding section 101, amounts
22 are provided for ‘District of Columbia—Federal Funds—
23 Federal Payment for Youth Services’ at a rate for oper-
24 ations of \$0.

1 “SEC. 359. Section 814 of division C of Public Law
2 111–117 shall be applied to funds appropriated by this
3 Act by striking ‘Federal’.

4 “SEC. 360. Notwithstanding section 101, amounts
5 are provided for ‘Election Assistance Commission—Sala-
6 ries and Expenses’ at a rate for operations of
7 \$16,800,000, of which \$3,250,000 shall be transferred to
8 the National Institute of Standards and Technology for
9 election reform activities authorized under the Help Amer-
10 ica Vote Act of 2002 (Public Law 107–252).

11 “SEC. 361. Notwithstanding sections 101 and 253,
12 the aggregate amount of new obligational authority pro-
13 vided under the heading ‘General Services Administra-
14 tion—Real Property Activities—Federal Buildings
15 Fund—Limitations on Availability of Revenue’ for Fed-
16 eral buildings and courthouses and other purposes of the
17 Fund shall be available at a rate for operations of
18 \$7,504,272,000, of which: (1) \$0 is for ‘Construction and
19 Acquisition’; and (2) \$284,000,000 is for ‘Repairs and Al-
20 terations’ for Special Emphasis Programs and Basic Re-
21 pairs and Alterations.

22 “SEC. 362. Notwithstanding section 101, amounts
23 are provided for ‘General Services Administration—Fed-
24 eral Citizen Services Fund’ at a rate for operations of
25 \$34,689,000.

1 “SEC. 363. Notwithstanding section 101, amounts
2 are provided for ‘General Services Administration—Elec-
3 tronic Government Fund’ at a rate for operations of
4 \$17,000,000.

5 “SEC. 364. Notwithstanding section 101, amounts
6 are provided for ‘National Archives and Records Adminis-
7 tration—Electronic Records Archives’ at a rate for oper-
8 ations of \$72,000,000, of which \$52,500,000 shall remain
9 available until September 30, 2013.

10 “SEC. 365. Notwithstanding section 101, amounts
11 are provided for ‘National Archives and Records Adminis-
12 tration—National Historical Publications and Records
13 Commission—Grants Program’ at a rate for operations of
14 \$6,000,000.

15 “SEC. 366. The amounts included under the heading
16 ‘Office of Personnel Management—Salaries and Ex-
17 penses’ in division C of Public Law 111–117 shall be ap-
18 plied to funds appropriated by this Act by substituting
19 ‘\$101,270,000’ for ‘\$102,970,000’ and by substituting
20 ‘\$111,038,000’ for ‘\$112,738,000’.

21 “SEC. 367. Notwithstanding section 156 of this Act
22 and section 503 of Public Law 111–83, amounts made
23 available by this Act for the Department of Homeland Se-
24 curity shall be available for reprogramming or transfer be-
25 tween and within appropriations to the extent necessary

1 to address emergent circumstances, to meet critical oper-
2 ational requirements, to avoid furloughs or reduction in
3 force, or to provide funding for critical programs and ac-
4 tivities required by law: *Provided*, That such
5 reprogrammings or transfers may not result in the termi-
6 nation or initiation of a program, project, or activity: *Pro-*
7 *vided further*, That the Committees on Appropriations of
8 the Senate and the House of Representatives shall be noti-
9 fied 15 days in advance of such reprogramming or transfer
10 of funds.

11 “SEC. 368. Notwithstanding sections 101 and 186,
12 amounts are provided for ‘Department of Homeland Secu-
13 rity—Office of the Under Secretary for Management’ at
14 a rate for operations of \$239,933,000.

15 “SEC. 369. Notwithstanding section 101, amounts
16 are provided for ‘Department of Homeland Security—Of-
17 fice of the Chief Financial Officer’ at a rate for operations
18 of \$53,530,000.

19 “SEC. 370. Notwithstanding section 101, amounts
20 are provided for ‘Department of Homeland Security—Of-
21 fice of the Federal Coordinator for Gulf Coast Rebuilding’
22 at a rate for operations of \$0.

23 “SEC. 371. Notwithstanding section 101, amounts
24 are provided for ‘Department of Homeland Security—
25 U.S. Customs and Border Protection—Automation Mod-

1 ernization’ at a rate for operations of \$341,575,000, of
2 which \$153,090,000 shall be for the Automated Commer-
3 cial Environment.

4 “SEC. 372. Notwithstanding section 101, amounts
5 are provided for ‘Department of Homeland Security—
6 U.S. Customs and Border Protection—Border Security
7 Fencing, Infrastructure, and Technology’ at a rate for op-
8 erations of \$574,173,000.

9 “SEC. 373. Notwithstanding section 101, amounts
10 are provided for ‘Department of Homeland Security—
11 U.S. Customs and Border Protection—Air and Marine
12 Interdiction, Operations, Maintenance, and Procurement’
13 at a rate for operations of \$516,326,000.

14 “SEC. 374. Notwithstanding section 101, amounts
15 are provided for ‘Department of Homeland Security—
16 U.S. Immigration and Customs Enforcement—Automa-
17 tion Modernization’ at a rate for operations of
18 \$75,000,000.

19 “SEC. 375. Notwithstanding section 101, amounts
20 are provided for ‘Department of Homeland Security—
21 U.S. Immigration and Customs Enforcement—Construc-
22 tion’ at a rate for operations of \$0.

23 “SEC. 376. Notwithstanding section 101, amounts
24 are provided for ‘Department of Homeland Security—
25 Transportation Security Administration—Surface Trans-

1 portation Security’ at a rate for operations of
2 \$105,961,000.

3 “SEC. 377. Notwithstanding section 101, amounts
4 are provided for ‘Department of Homeland Security—
5 Transportation Security Administration—Transportation
6 Threat Assessment and Credentialing’ at a rate for oper-
7 ations of \$162,999,000.

8 “SEC. 378. Notwithstanding sections 101 and 193,
9 amounts are provided for ‘Department of Homeland Secu-
10 rity—National Protection and Programs Directorate—In-
11 frastructure Protection and Information Security’ at a
12 rate for operations of \$859,000,000.

13 “SEC. 379. Notwithstanding section 101, amounts
14 are provided for ‘Department of Homeland Security—Na-
15 tional Protection and Programs Directorate—United
16 States Visitor and Immigrant Status Indicator Tech-
17 nology’ at a rate for operations of \$334,613,000.

18 “SEC. 380. Notwithstanding sections 101 and 195,
19 amounts are provided for ‘Department of Homeland Secu-
20 rity—Federal Emergency Management Agency—State
21 and Local Programs’ at a rate for operations of
22 \$2,417,500,000: *Provided*, That of the amount provided
23 by this Act for the State Homeland Security Grant Pro-
24 gram under such heading, \$50,000,000 shall be for the
25 Driver’s License Security Grant Program and

1 \$10,000,000 shall be for the Citizen Corps Program: *Pro-*
2 *vided further*, That the amounts provided by this Act for
3 the Citizen Corps Program under such heading shall not
4 be subject to the requirements of subtitle A of title XX
5 of the Homeland Security Act of 2002 (6 U.S.C. 603 et
6 seq.): *Provided further*, That the amounts included under
7 such heading in Public Law 111–83 shall be applied to
8 funds appropriated by this Act as follows: in paragraph
9 (1), by substituting ‘\$788,000,000’ for ‘\$950,000,000’; in
10 paragraph (2), by substituting ‘\$788,000,000’ for
11 ‘\$887,000,000’; in paragraph (3), by substituting
12 ‘\$17,500,000’ for ‘\$35,000,000’; in paragraph (4), by sub-
13 stituting ‘\$35,000,000’ for ‘\$41,000,000’; in paragraph
14 (5), by substituting ‘\$0’ for ‘\$13,000,000’; in paragraph
15 (6), by substituting ‘\$260,000,000’ for ‘\$300,000,000’; in
16 paragraph (7), by substituting ‘\$260,000,000’ for
17 ‘\$300,000,000’; in paragraph (8), by substituting
18 ‘\$5,000,000’ for ‘\$12,000,000’; in paragraph (9), by sub-
19 stituting ‘\$0’ for ‘\$50,000,000’; in paragraph (10), by
20 substituting ‘\$0’ for ‘\$50,000,000’; in paragraph (11), by
21 substituting ‘\$0’ for ‘\$50,000,000’; in paragraph (12), by
22 substituting ‘\$20,000,000’ for ‘\$60,000,000’ and by sub-
23 stituting ‘\$0’ for each subsequent amount in such para-
24 graph; and in paragraph (13), by substituting
25 ‘\$244,000,000’ for ‘\$267,200,000’: *Provided further*, That

1 the directed obligation provisions in paragraphs 13(A),
2 13(B), and 13(C) under such heading in Public Law 111–
3 83 shall not apply to funds appropriated by this Act: *Pro-*
4 *vided further*, That 5.5 percent of the amount provided
5 for ‘Federal Emergency Management Agency—State and
6 Local Programs’ by this Act shall be transferred to the
7 ‘Federal Emergency Management Agency—Management
8 and Administration’ account for program administration.

9 “SEC. 381. Notwithstanding section 101, amounts
10 are provided for ‘Department of Homeland Security—
11 Federal Emergency Management Agency—Flood Map
12 Modernization Fund’ at a rate for operations of
13 \$194,000,000.

14 “SEC. 382. Notwithstanding sections 101 and 196,
15 amounts are provided for ‘Department of Homeland Secu-
16 rity—Federal Emergency Management Agency—National
17 Predisaster Mitigation Fund’ at a rate for operations of
18 \$60,000,000: *Provided*, That the directed obligation provi-
19 sion under such heading in Public Law 111–83 shall not
20 apply to funds appropriated by this Act.

21 “SEC. 383. Notwithstanding section 101, amounts
22 are provided for ‘Department of Homeland Security—
23 Federal Law Enforcement Training Center—Salaries and
24 Expenses’ at a rate for operations of \$235,919,000.

1 “SEC. 384. Notwithstanding section 101, amounts
2 are provided for ‘Department of Homeland Security—
3 Federal Law Enforcement Training Center—Acquisition,
4 Construction, Improvements, and Related Expenses’ at a
5 rate for operations of \$38,456,000.

6 “SEC. 385. Notwithstanding sections 101 and 197,
7 amounts are provided for ‘Department of Homeland Secu-
8 rity—Science and Technology—Research, Development,
9 Acquisition, and Operations’ at a rate for operations of
10 \$690,000,000.

11 “SEC. 386. Of the funds transferred to the Depart-
12 ment of Homeland Security when it was created in 2003,
13 the following amounts are rescinded from the following ac-
14 counts and programs:

15 “(1) ‘Operations’, \$1,692,000.

16 “(2) ‘Violent Crime Reduction Program’,
17 \$4,871,492.

18 “(3) ‘Office for Domestic Preparedness’,
19 \$10,568,934.

20 “SEC. 387. Of the unobligated balances made avail-
21 able to the Department of Homeland Security pursuant
22 to section 505 of Public Law 111–83, the following
23 amounts are rescinded from the following accounts:

24 “(1) ‘Office of the Secretary and Executive
25 Management’, \$1,437,015.

1 “(2) ‘Office of the Under Secretary for Man-
2 agement’, \$821,104.

3 “(3) ‘U.S. Customs and Border Protection—
4 Salaries and Expenses’, \$8,500,000.

5 “(4) ‘U.S. Immigration and Customs Enforce-
6 ment—Salaries and Expenses’, \$8,500,000.

7 “(5) ‘Transportation Security Administration—
8 Federal Air Marshals’, \$2,429,978.

9 “(6) ‘Coast Guard—Operating Expenses’,
10 \$13,508,196.

11 “(7) ‘Coast Guard—Reserve Training’,
12 \$3,411,505.

13 “(8) ‘National Protection and Programs Direc-
14 torate—Infrastructure Protection and Information
15 Security’, \$861,290.

16 “(9) ‘United States Secret Service—Salaries
17 and Expenses’, \$602,956.

18 “(10) ‘Federal Emergency Management Agen-
19 cy—Management and Administration’, \$814,153.

20 “(11) ‘Office of Health Affairs’, \$831,400.

21 “(12) ‘United States Citizenship and Immigra-
22 tion Services’, \$7,945,983.

23 “(13) ‘Federal Law Enforcement Training Cen-
24 ter—Salaries and Expenses’, \$1,010,795.

1 “SEC. 388. Of the unobligated balances available for
2 the following accounts of the Department of Homeland Se-
3 curity, the following amounts are rescinded:

4 “(1) ‘U.S. Customs and Border Protection—
5 Automation Modernization’, \$10,000,000.

6 “(2) ‘U.S. Customs and Border Protection—
7 Border Security Fencing, Infrastructure, and Tech-
8 nology’, \$119,000,000.

9 “(3) ‘Federal Emergency Management Agen-
10 cy—National Predisaster Mitigation Fund’,
11 \$19,603,000.

12 “(4) ‘Science and Technology—Research, De-
13 velopment, Acquisition, and Operations’, \$6,500,000.

14 “(5) ‘Domestic Nuclear Detection Office—Re-
15 search, Development, and Operations’, \$15,700,000.

16 “(6) ‘Coast Guard—Acquisition, Construction,
17 and Improvements’, \$1,122,000.

18 “SEC. 389. Of the unobligated balances made avail-
19 able under section 44945 of title 49, United States Code,
20 \$800,000 is rescinded.

21 “SEC. 390. Of the unobligated balances available for
22 accounts under the heading ‘Department of Homeland Se-
23 curity—Transportation Security Administration’,
24 \$15,000,000 is rescinded (in addition to amounts other-
25 wise rescinded by this Act): *Provided*, That the Transpor-

1 tation Security Administration shall not rescind any unob-
2 ligated balances from the following programs: explosives
3 detection systems; checkpoint support; aviation regulation
4 and other enforcement; and air cargo.

5 “SEC. 391. Of the unobligated balances available for
6 ‘Department of Homeland Security—National Protection
7 and Programs Directorate—Infrastructure Protection and
8 Information Security’, the following amounts are re-
9 scinded:

10 “(1) \$6,000,000, to be derived from amounts
11 made available for Next Generation Networks.

12 “(2) \$9,600,000, to be derived from amounts
13 which shall be specified by the Secretary of Home-
14 land Security in a report submitted not later than
15 15 days after the date of the enactment of this Act
16 to the Committees on Appropriations of the Senate
17 and the House of Representatives, describing the
18 amounts rescinded and the original purpose of such
19 funds.

20 “SEC. 392. Of the unobligated balances available in
21 the Department of the Treasury Forfeiture Fund estab-
22 lished by section 9703 of title 31, United States Code, as
23 added by section 638 of Public Law 102–393,
24 \$22,600,000 is rescinded.

1 “SEC. 393. Notwithstanding sections 101 and 258,
2 amounts are provided for ‘Department of the Interior—
3 Bureau of Land Management—Management of Lands
4 and Resources’ at a rate for operations of \$927,523,000:
5 *Provided*, That the amounts included under such heading
6 in division A of Public Law 111–88 shall be applied to
7 funds appropriated by this Act by substituting
8 ‘\$927,523,000’ for ‘\$959,571,000’ the second place it ap-
9 pears.

10 “SEC. 394. Notwithstanding sections 101 and 259,
11 amounts are provided for ‘Department of the Interior—
12 Bureau of Land Management—Construction’ at a rate for
13 operations of \$3,590,000.

14 “SEC. 395. Notwithstanding sections 101 and 260,
15 amounts are provided for ‘Department of the Interior—
16 Bureau of Land Management—Land Acquisition’ at a
17 rate for operations of \$22,212,000: *Provided*, That the
18 proviso under such heading in division A of Public Law
19 111–88 shall not apply to funds appropriated by this Act.

20 “SEC. 396. Notwithstanding sections 101 and 261,
21 amounts are provided for ‘Department of the Interior—
22 United States Fish and Wildlife Service—Resource Man-
23 agement’ at a rate for operations of \$1,235,052,000: *Pro-*
24 *vided*, That the amounts included under such heading in
25 division A of Public Law 111–88 shall be applied to funds

1 appropriated by this Act as follows: by substituting
2 ‘\$20,945,000’ for ‘\$22,103,000’; and by substituting
3 ‘\$10,474,000’ for ‘\$11,632,000’.

4 “SEC. 397. Notwithstanding sections 101 and 262,
5 amounts are provided for ‘Department of the Interior—
6 United States Fish and Wildlife Service—Construction’ at
7 a rate for operations of \$23,737,000.

8 “SEC. 398. Notwithstanding sections 101 and 263,
9 amounts are provided for ‘Department of the Interior—
10 United States Fish and Wildlife Service—Land Acquisi-
11 tion’ at a rate for operations of \$57,471,000.

12 “SEC. 399. Of the unobligated amounts available for
13 ‘Department of the Interior—United States Fish and
14 Wildlife Service—Landowner Incentive Program’ from
15 prior year appropriations, all remaining amounts are re-
16 scinded.

17 “SEC. 400. Notwithstanding section 101, amounts
18 are provided for ‘Department of the Interior—United
19 States Fish and Wildlife Service—Cooperative Endan-
20 gered Species Conservation Fund’ at a rate for operations
21 of \$63,831,000: *Provided*, That the amounts included
22 under such heading in division A of Public Law 111–88
23 shall be applied to funds appropriated by this Act as fol-
24 lows: by substituting ‘\$24,835,000’ for ‘\$29,000,000’; by

1 substituting ‘\$4,987,297’ for ‘\$5,145,706’; and by sub-
2 stituting ‘\$38,996,000’ for ‘\$56,000,000’.

3 “SEC. 401. Notwithstanding section 101, amounts
4 are provided for ‘Department of the Interior—United
5 States Fish and Wildlife Service—North American Wet-
6 lands Conservation Fund’ at a rate for operations of
7 \$40,000,000.

8 “SEC. 402. Notwithstanding section 101, amounts
9 are provided for ‘Department of the Interior—United
10 States Fish and Wildlife Service—Neotropical Migratory
11 Bird Conservation’ at a rate for operations of \$4,430,000.

12 “SEC. 403. Notwithstanding section 101, amounts
13 are provided for ‘Department of the Interior—United
14 States Fish and Wildlife Service—Multinational Species
15 Conservation Fund’ at a rate for operations of
16 \$7,875,000.

17 “SEC. 404. Notwithstanding section 101, amounts
18 are provided for ‘Department of the Interior—United
19 States Fish and Wildlife Service—State and Tribal Wild-
20 life Grants’ at a rate for operations of \$80,000,000.

21 “SEC. 405. Notwithstanding section 101, amounts
22 are provided for ‘Department of the Interior—National
23 Park Service—Park Partnership Project Grants’ at a rate
24 for operations of \$0: *Provided*, That all of the provisos

1 under such heading in division A of Public Law 111–88
2 shall not apply to funds appropriated by this Act.

3 “SEC. 406. Notwithstanding sections 101 and 266,
4 amounts are provided for ‘Department of the Interior—
5 National Park Service—Construction’ at a rate for oper-
6 ations of \$210,066,000: *Provided*, That the last proviso
7 under such heading in division A of Public Law 111–88
8 shall not apply to funds appropriated by this Act.

9 “SEC. 407. Notwithstanding sections 101 and 267,
10 amounts are provided for ‘Department of the Interior—
11 National Park Service—Land Acquisition and State As-
12 sistance’ at a rate for operations of \$90,846,000: *Pro-
13 vided*, That the amounts included under such heading in
14 division A of Public Law 111–88 shall be applied to funds
15 appropriated by this Act as follows: by substituting
16 ‘\$31,000,000’ for ‘\$40,000,000’; and by substituting
17 ‘\$6,000,000’ for ‘\$9,000,000’.

18 “SEC. 408. Of the unobligated amounts available for
19 ‘Department of the Interior—National Park Service—
20 Urban Park and Recreation Fund’, \$625,000 is rescinded.

21 “SEC. 409. Notwithstanding sections 101 and 268,
22 amounts are provided for ‘Department of the Interior—
23 United States Geological Survey—Surveys, Investigations,
24 and Research’ at a rate for operations of \$1,076,355,000:
25 *Provided*, That the amounts included under such heading

1 in division A of Public Law 111–88 shall be applied to
2 funds appropriated by this Act by substituting
3 ‘\$53,500,000’ for ‘\$40,150,000’.

4 “SEC. 410. Notwithstanding section 101, amounts
5 are provided for ‘Department of the Interior—Bureau of
6 Indian Affairs—Indian Land and Water Claim Settle-
7 ments and Miscellaneous Payments to Indians’ at a rate
8 for operations of \$46,480,000, of which \$0 shall be for
9 the matter pertaining to Public Law 109–379.

10 “SEC. 411. Notwithstanding section 101, amounts
11 are provided for ‘Department of the Interior—Bureau of
12 Indian Affairs—Indian Land Consolidation’ at a rate for
13 operations of \$0.

14 “SEC. 412. Notwithstanding section 101, amounts
15 are provided for ‘Department of the Interior—Depart-
16 mental Offices—Office of the Secretary—Salaries and Ex-
17 penses’ at a rate for operations of \$117,336,000.

18 “SEC. 413. Notwithstanding sections 101 and 270,
19 amounts are provided for ‘Department of the Interior—
20 Departmental Offices—Insular Affairs—Assistance to
21 Territories’ at a rate for operations of \$78,670,000: *Pro-*
22 *vided*, That the amounts included under such heading in
23 division A of Public Law 111–88 shall be applied to funds
24 appropriated by this Act by substituting ‘\$9,080,000’ for
25 ‘\$9,280,000’.

1 “SEC. 414. Notwithstanding section 101, amounts
2 are provided for ‘Department of the Interior—Depart-
3 mental Offices—Insular Affairs—Compact of Free Asso-
4 ciation’ at a rate for operations of \$5,422,000, of which
5 \$2,104,000 is for section 122 of division A of Public Law
6 111–88.

7 “SEC. 415. Notwithstanding section 101, amounts
8 are provided for ‘Department of the Interior—Depart-
9 ment-wide Programs—Wildland Fire Management’ at a
10 rate for operations of \$919,897,000: *Provided*, That the
11 amounts included under such heading in division A of
12 Public Law 111–88 shall be applied to funds appropriated
13 by this Act by substituting ‘\$0’ for ‘\$125,000,000’: *Pro-*
14 *vided further*, That of the unobligated balances available
15 under such heading in division A of Public Law 111–88
16 and prior appropriations Acts, \$150,000,000 is rescinded:
17 *Provided further*, That no amounts in this section may be
18 rescinded from amounts that were designated by Congress
19 as an emergency requirement pursuant to a concurrent
20 resolution on the budget or the Balanced Budget and
21 Emergency Deficit Control Act of 1985.

22 “SEC. 416. Notwithstanding sections 101 and 271,
23 amounts are provided for ‘Environmental Protection
24 Agency—Science and Technology’ at a rate for operations
25 of \$826,370,000, of which \$0 shall be for the purposes

1 specified in ‘Research/National Priorities’ under the head-
2 ing ‘Science and Technology’ in the joint explanatory
3 statement of the managers accompanying Public Law
4 111–88 and \$51,297,000 shall be for ‘Homeland Security’
5 under the heading ‘Science and Technology’ in the table
6 of detailed funding recommendations contained at the end
7 of such joint explanatory statement.

8 “SEC. 417. Notwithstanding sections 101 and 272,
9 amounts are provided for ‘Environmental Protection
10 Agency—Environmental Programs and Management’ at a
11 rate for operations of \$2,779,851,000: *Provided*, That of
12 the amounts provided by this Act for such account, \$0
13 shall be for cap and trade technical assistance and \$0 shall
14 be for the program specified in ‘Environmental Protection/
15 National Priorities’ under the heading ‘Environmental
16 Programs and Management’ in the joint explanatory
17 statement of the managers accompanying Public Law
18 111–88: *Provided further*, That of the amounts provided
19 by this Act for such account, amounts are provided for
20 the Geographic Programs specified in such joint explana-
21 tory statement at a rate for operations of \$424,875,000:
22 *Provided further*, That of such amount for Geographic
23 Programs, \$300,000,000 shall be for the Great Lakes
24 Restoration Initiative: *Provided further*, That of the
25 amounts provided by this Act for such account,

1 \$15,142,000 shall be for ‘Homeland Security’ under the
2 heading ‘Environmental Programs and Management’ in
3 the table of detailed funding recommendations contained
4 at the end of such joint explanatory statement.

5 “SEC. 418. Notwithstanding section 101, amounts
6 are provided for ‘Environmental Protection Agency—Haz-
7 ardous Substance Superfund’ at a rate for operations of
8 \$1,293,475,000: *Provided*, That the amounts included
9 under such heading in division A of Public Law 111–88
10 shall be applied to funds appropriated by this Act as fol-
11 lows: by substituting ‘\$1,293,475,000’ for
12 ‘\$1,306,541,000’ in the second place it appears; and by
13 substituting ‘September 30, 2010’ for ‘September 30,
14 2009’: *Provided further*, That of the amounts provided by
15 this Act for such account, \$43,468,000 shall be for
16 ‘Homeland Security’ under the heading ‘Hazardous Sub-
17 stance Superfund’ in the table of detailed funding rec-
18 ommendations contained at the end of the joint explana-
19 tory statement of the managers accompanying Public Law
20 111–88.

21 “SEC. 419. Notwithstanding sections 101 and 274,
22 amounts are provided for ‘Environmental Protection
23 Agency—State and Tribal Assistance Grants’ at a rate for
24 operations of \$4,077,946,000: *Provided*, That the
25 amounts included under such heading in division A of

1 Public Law 111–88 shall be applied to funds appropriated
2 by this Act as follows: by substituting ‘\$1,700,000,000’
3 for ‘\$2,100,000,000’; by substituting ‘\$1,087,000,000’ for
4 ‘\$1,387,000,000’; by substituting ‘\$14,500,000’ for
5 ‘\$17,000,000’; by substituting ‘\$10,000,000’ for
6 ‘\$13,000,000’; by substituting ‘\$0’ for ‘\$156,777,000’; by
7 substituting ‘\$0’ for ‘\$20,000,000’; and by substituting
8 ‘\$1,106,446,000’ for ‘\$1,116,446,000’.

9 “SEC. 420. Notwithstanding section 101, the
10 amounts authorized to transfer under the heading ‘Envi-
11 ronmental Protection Agency—Administrative Provisions,
12 Environmental Protection Agency’ in division A of Public
13 Law 111–88 shall be applied to funds appropriated by this
14 Act by substituting ‘\$300,000,000’ for ‘\$475,000,000’.

15 “SEC. 421. Notwithstanding sections 101 and 276,
16 amounts are provided for ‘Department of Agriculture—
17 Forest Service—Forest and Rangeland Research’ at a rate
18 for operations of \$297,252,000.

19 “SEC. 422. Notwithstanding sections 101 and 277,
20 amounts are provided for ‘Department of Agriculture—
21 Forest Service—State and Private Forestry’ at a rate for
22 operations of \$272,797,000: *Provided*, That the amounts
23 included under such heading in division A of Public Law
24 111–88 shall be applied to funds appropriated by this Act
25 by substituting ‘\$52,317,000’ for ‘\$76,460,000’.

1 “SEC. 423. Notwithstanding sections 101 and 278,
2 amounts are provided for ‘Department of Agriculture—
3 Forest Service—National Forest System’ at a rate for op-
4 erations of \$1,534,089,000.

5 “SEC. 424. Notwithstanding sections 101 and 279,
6 amounts are provided for ‘Department of Agriculture—
7 Forest Service—Capital Improvement and Maintenance’
8 at a rate for operations of \$499,618,000: *Provided*, That
9 the amounts included under such heading in division A
10 of Public Law 111–88 shall be applied to funds appro-
11 priated by this Act by substituting ‘\$50,731,000’ for
12 ‘\$90,000,000’.

13 “SEC. 425. Notwithstanding sections 101 and 281,
14 amounts are provided for ‘Department of Agriculture—
15 Forest Service—Wildland Fire Management’ at a rate for
16 operations of \$2,172,387,000: *Provided*, That the
17 amounts included under such heading in division A of
18 Public Law 111–88 shall be applied to funds appropriated
19 by this Act by substituting ‘\$0’ for ‘\$75,000,000’.

20 “SEC. 426. Notwithstanding section 101, amounts
21 are provided for ‘Department of Agriculture—Forest
22 Service—FLAME Wildfire Suppression Reserve Fund’ at
23 a rate for operations of \$291,000,000.

24 “SEC. 427. Notwithstanding section 101, amounts
25 are provided for ‘National Gallery of Art—Repair, Res-

1 toration and Renovation of Buildings’ at a rate for oper-
2 ations of \$48,221,000: *Provided*, That the amounts in-
3 cluded under such heading in division A of Public Law
4 111–88 shall be applied to funds appropriated by this Act
5 by substituting ‘\$42,250,000’ for ‘\$40,000,000’.

6 “SEC. 428. Notwithstanding section 101, amounts
7 are provided for ‘John F. Kennedy Center for the Per-
8 forming Arts—Operations and Maintenance’ at a rate for
9 operations of \$22,500,000: *Provided*, That the proviso
10 under such heading in division A of Public Law 111–88
11 shall not apply to funds appropriated by this Act.

12 “SEC. 429. Notwithstanding section 101, amounts
13 are provided for ‘John F. Kennedy Center for the Per-
14 forming Arts—Capital Repair and Restoration’ at a rate
15 for operations of \$13,920,000.

16 “SEC. 430. Notwithstanding section 101, amounts
17 are provided for ‘Commission of Fine Arts—National Cap-
18 ital Arts and Cultural Affairs’ at a rate for operations of
19 \$0.

20 “SEC. 431. Notwithstanding sections 101, 200, and
21 283, amounts are provided for ‘Department of Labor—
22 Employment and Training Administration—Training and
23 Employment Services’ at a rate for operations of
24 \$3,636,148,000, of which \$196,661,000 shall be for na-
25 tional activities described in paragraph (3) under such

1 heading in division D of Public Law 111–117: *Provided*,
2 That the amounts included for national activities under
3 such heading in division D of Public Law 111–117 shall
4 be applied to funds appropriated by this Act as follows:
5 by substituting ‘\$44,561,000’ for ‘\$93,450,000’, by sub-
6 stituting ‘\$0’ for ‘48,889,000’, by substituting
7 ‘\$90,000,000’ for ‘\$108,493,000’, by substituting ‘\$0’ for
8 ‘\$125,000,000’, and by substituting ‘\$0’ for
9 ‘\$65,000,000’.

10 “SEC. 432. Of the unobligated balances available in
11 ‘Department of Labor—Working Capital Fund’,
12 \$3,900,000 is permanently rescinded, to be derived solely
13 from amounts available in the Investment in Reinvention
14 Fund (other than amounts that were designated by the
15 Congress as an emergency requirement pursuant to a con-
16 current resolution on the budget or the Balanced Budget
17 and Emergency Deficit Control Act of 1985).

18 “SEC. 433. Notwithstanding sections 101, 203, and
19 285, amounts are provided for ‘Department of Health and
20 Human Services—Health Resources and Services Admin-
21 istration—Health Resources and Services’ at a rate for
22 operations of \$6,982,520,000: *Provided*, That the eight-
23 eenth, nineteenth, twenty-second, and twenty-fifth pro-
24 visos under such heading in division D of Public Law 111–
25 117 shall not apply to funds appropriated by this Act.

1 “SEC. 434. Notwithstanding sections 101 and 204,
2 amounts are provided for ‘Department of Health and
3 Human Services—Centers for Disease Control and Pre-
4 vention—Disease Control, Research, and Training’ at a
5 rate for operations of \$6,044,273,000, of which
6 \$750,000,000 shall be derived from funds transferred,
7 pursuant to section 4002(c) of Public Law 111–148, from
8 amounts appropriated by section 4002(b) of such Public
9 Law: *Provided*, That for purposes of this section, section
10 4002(c) of Public Law 111–148 shall be applied as if ‘,
11 over the fiscal year 2008 level,’ were stricken from such
12 section: *Provided further*, That the amount included before
13 the first proviso under such heading in division D of Pub-
14 lic Law 111–117 shall be applied to funds appropriated
15 by this Act by substituting ‘0’ for ‘\$20,620,000’.

16 “SEC. 435. Notwithstanding section 101, amounts
17 are provided for ‘Department of Health and Human Serv-
18 ices—Administration for Children and Families—Low In-
19 come Home Energy Assistance’ at a rate for operations
20 of \$4,709,672,000, of which \$200,000,000 shall be for
21 payments under section 2602(e) of the Low Income Home
22 Energy Assistance Act of 1981.

23 “SEC. 436. Notwithstanding sections 101 and 208,
24 amounts are provided for ‘Department of Health and
25 Human Services—Administration for Children and Fami-

1 lies—Children and Families Services Programs’ at a rate
2 for operations of \$9,269,747,000: *Provided*, That the fif-
3 teenth proviso under such heading in division D of Public
4 Law 111–117 shall not apply to funds appropriated by
5 this Act.

6 “SEC. 437. Notwithstanding sections 101 and 286,
7 in addition to amounts otherwise made available by section
8 130, amounts are provided for ‘Department of Health and
9 Human Services—Office of the Secretary—Public Health
10 and Social Services Emergency Fund’ at a rate for oper-
11 ations of \$546,109,000, of which \$65,578,000 shall be for
12 expenses necessary to prepare for and respond to an influ-
13 enza pandemic (none of which shall be available past Sep-
14 tember 30, 2011), \$35,000,000 shall be for expenses nec-
15 essary for fit-out and other costs related to a competitive
16 lease procurement to renovate or replace the existing head-
17 quarters building for Public Health Service agencies and
18 other components of the Department of Health and
19 Human Services, and \$235,000,000 shall be for Hospital
20 Preparedness Cooperative Agreement Grants.

21 “SEC. 438. Of the unobligated balances available for
22 ‘Department of Education—Education for the Disadvan-
23 taged’ in division D of Public Law 111–117,
24 \$186,500,000 is rescinded, to be derived from the

1 amounts specified under such heading for availability
2 under section 1502 of the ESEA.

3 “SEC. 439. Notwithstanding sections 101 and 212,
4 amounts are provided for ‘Department of Education—
5 School Improvement Programs’ at a rate for operations
6 of \$5,080,695,000, of which \$3,216,244,000 shall become
7 available on July 1, 2011, and remain available through
8 September 30, 2012: *Provided*, That of such amounts, no
9 funds shall be available for activities authorized under
10 subpart 1 of part D of title II of the ESEA or part Z
11 of title VIII of the Higher Education Act of 1965: *Pro-*
12 *vided further*, That the second, third, and thirteenth pro-
13 visos under such heading in division D of Public Law 111–
14 117 shall not apply to funds appropriated by this Act.

15 “SEC. 440. Notwithstanding sections 101 and 213,
16 amounts are provided for ‘Department of Education—In-
17 novation and Improvement’ at a rate for operations of
18 \$1,019,353,000, of which no funds shall be available for
19 activities authorized under section 2151(c) of the ESEA,
20 section 1504 of the ESEA, or part F of title VIII of the
21 Higher Education Act of 1965, and \$477,047,000 shall
22 be for part D of title V of the ESEA: *Provided*, That the
23 first, second, third, fourth, fifth, seventeenth, and eight-
24 eenth provisos under such heading in division D of Public

1 Law 111–117 shall not apply to funds appropriated by
2 this Act.

3 “SEC. 441. Notwithstanding sections 101 and 214,
4 amounts are provided for ‘Department of Education—
5 Safe Schools and Citizenship Education’ at a rate for op-
6 erations of \$341,053,000, of which, notwithstanding sec-
7 tion 2343(b) of the ESEA, \$2,578,000 is for the continu-
8 ation costs of awards made on a competitive basis under
9 section 2345 of the ESEA and \$207,053,000 shall be for
10 subpart 2 of part A of title IV of the ESEA: *Provided*,
11 That the first and third provisos under such heading in
12 division D of Public Law 111–117 shall not apply to funds
13 appropriated by this Act.

14 “SEC. 442. Notwithstanding sections 101 and 216,
15 amounts are provided for ‘Department of Education—Re-
16 habilitation Services and Disability Research’ at a rate for
17 operations of \$3,478,026,000: *Provided*, That the second
18 proviso under such heading in division D of Public Law
19 111–117 shall not apply to funds appropriated by this Act.

20 “SEC. 443. Notwithstanding section 101, amounts
21 are provided for ‘Department of Education—Special Insti-
22 tutions for Persons with Disabilities—National Technical
23 Institute for the Deaf’ at a rate for operations of
24 \$65,677,000, of which \$240,000 shall be available for con-
25 struction.

1 “SEC. 444. Notwithstanding sections 101 and 217,
2 amounts are provided for ‘Department of Education—Ca-
3 reer, Technical, and Adult Education’ at a rate for oper-
4 ations of \$1,897,541,000, of which \$1,106,541,000 shall
5 become available on July 1, 2011, and remain available
6 through September 30, 2012 and no funds shall be avail-
7 able for activities authorized under subpart 4 of part D
8 of title V of the ESEA: *Provided*, That the first, second,
9 third, seventh, and eighth provisos under such heading in
10 division D of Public Law 111–117 shall not apply to funds
11 appropriated by this Act.

12 “SEC. 445. Notwithstanding sections 101 and 219,
13 amounts are provided for ‘Department of Education—
14 Higher Education’ at a rate for operations of
15 \$2,094,985,000, of which no funds shall be available for
16 activities authorized under section 428L of part B of title
17 IV of the Higher Education Act of 1965, subpart 1 of
18 part D of title VII of the Higher Education Act of 1965,
19 part H of title VIII of the Higher Education Amendments
20 of 1998, section 1543 of the Higher Education Amend-
21 ments of 1992, or section 117 of the Carl D. Perkins Ca-
22 reer and Technical Education Act of 2006: *Provided*, That
23 the seventh, eighth, ninth, tenth, eleventh, twelfth, thir-
24 teenth, and fourteenth provisos under such heading in di-

1 vision D of Public Law 111–117 shall not apply to funds
2 appropriated by this Act.

3 “SEC. 446. Notwithstanding section 101, amounts
4 are provided for ‘Railroad Retirement Board—Dual Bene-
5 fits Payments Account’ at a rate for operations of
6 \$57,000,000.

7 “SEC. 447. Of the funds appropriated for ‘Social Se-
8 curity Administration—Limitation on Administrative Ex-
9 penses’ for fiscal years 2010 and prior years (other than
10 funds appropriated by Public Law 111–5) for investment
11 in information technology and telecommunications hard-
12 ware and software infrastructure, \$300,000,000 is re-
13 scinded (in addition to the amounts rescinded by section
14 288).

15 “SEC. 448. Of the funds made available for ‘Military
16 Construction, Defense-Wide’ in title I of division E of
17 Public Law 110–329, \$23,000,000 is rescinded.

18 “SEC. 449. Of the funds made available for ‘Military
19 Construction, Defense-Wide’ in title I of division E of
20 Public Law 111–117, \$125,500,000 is rescinded.

21 “SEC. 450. Of the funds made available for ‘Military
22 Construction, Army’ in title I of division E of Public Law
23 111–117, \$160,000,000 is rescinded.

1 “SEC. 451. Of the funds made available for ‘Military
2 Construction, Navy and Marine Corps’ in title I of division
3 E of Public Law 111–117, \$34,000,000 is rescinded.

4 “SEC. 452. Of the funds made available for ‘Military
5 Construction, Air Force’ in title I of division E of Public
6 Law 111–117, \$87,000,000 is rescinded.

7 “SEC. 453. Of the unobligated balances available for
8 ‘Department of Defense Base Closure Account 2005’ from
9 prior appropriations (other than appropriations des-
10 ignated by law as being for contingency operations directly
11 related to the global war on terrorism or as an emergency
12 requirement), \$200,000,000 is rescinded.

13 “SEC. 454. Notwithstanding section 101, amounts
14 are provided for ‘Department of Veterans Affairs—De-
15 partmental Administration—Information Technology Sys-
16 tems’ at a rate for operations of \$3,146,898,000: *Pro-*
17 *vided*, That of the funds made available under such head-
18 ing in division E of Public Law 111–117, \$147,000,000
19 is rescinded.

20 “SEC. 455. Notwithstanding section 101, amounts
21 are provided for ‘Department of Veterans Affairs—De-
22 partmental Administration—Construction, Major
23 Projects’ at a rate for operations of \$1,151,036,000.

24 “SEC. 456. Notwithstanding sections 101 and 137,
25 amounts are provided for ‘International Security Assist-

1 ance—Funds Appropriated to the President—Foreign
2 Military Financing Program’ at a rate for operations of
3 \$5,385,000,000, of which not less than \$3,000,000,000
4 shall be available for grants only for Israel,
5 \$1,300,000,000 shall be available for grants only for
6 Egypt, and not less than \$300,000,000 shall be available
7 for assistance for Jordan: *Provided*, That, for purposes of
8 this Act, the dollar amount in the first paragraph of the
9 fourth proviso under such heading in title IV of division
10 F of Public Law 111–117 shall be deemed to be
11 \$789,000,000.

12 “SEC. 457. Notwithstanding section 101, amounts
13 are provided for ‘Department of State—Administration of
14 Foreign Affairs—Civilian Stabilization Initiative’ at a rate
15 for operations of \$40,000,000.

16 “SEC. 458. Notwithstanding section 101, amounts
17 are provided for ‘United States Agency for International
18 Development—Funds Appropriated to the President—Ci-
19 vilian Stabilization Initiative’ at a rate for operations of
20 \$10,000,000.

21 “SEC. 459. Notwithstanding section 101, amounts
22 are provided for ‘Department of State—Administration of
23 Foreign Affairs—Educational and Cultural Exchange
24 Programs’ at a rate for operations of \$625,000,000.

1 “SEC. 460. Notwithstanding section 101, amounts
2 are provided for the following accounts at a rate for oper-
3 ations of \$0: ‘Department of State—Administration of
4 Foreign Affairs—Buying Power Maintenance Account’
5 and ‘Multilateral Assistance—Funds Appropriated to the
6 President—Contribution to the Asian Development Fund’.

7 “SEC. 461. Notwithstanding section 101, amounts
8 are provided for ‘Department of State—International Or-
9 ganizations—Contributions to International Organiza-
10 tions’ at a rate for operations of \$1,545,000,000.

11 “SEC. 462. Notwithstanding section 101, amounts
12 are provided for ‘Department of State—International Or-
13 ganizations—Contributions for International Peace-
14 keeping Activities’ at a rate for operations of
15 \$2,095,000,000.

16 “SEC. 463. Notwithstanding section 101, amounts
17 are provided for ‘Related Programs—United States Insti-
18 tute of Peace’ at a rate for operations of \$42,676,000.

19 “SEC. 464. Notwithstanding section 101, amounts
20 are provided for ‘Bilateral Economic Assistance—Funds
21 Appropriated to the President—Economic Support Fund’
22 at a rate for operations of \$6,284,000,000.

23 “SEC. 465. Notwithstanding section 101, amounts
24 are provided for ‘Bilateral Economic Assistance—Funds
25 Appropriated to the President—Assistance for Europe,

1 Eurasia and Central Asia’ at a rate for operations of
2 \$716,354,000.

3 “SEC. 466. Notwithstanding section 101, amounts
4 are provided for ‘Bilateral Economic Assistance—Inde-
5 pendent Agencies—Millennium Challenge Corporation’ at
6 a rate for operations of \$900,000,000.

7 “SEC. 467. Notwithstanding section 101, amounts
8 are provided for ‘International Security Assistance—De-
9 partment of State—Nonproliferation, Anti-terrorism,
10 Demining and Related Programs’ at a rate for operations
11 of \$740,000,000.

12 “SEC. 468. Notwithstanding section 101, amounts
13 are provided for ‘International Security Assistance—De-
14 partment of State—Peacekeeping Operations’ at a rate for
15 operations of \$305,000,000.

16 “SEC. 469. Notwithstanding section 101, amounts
17 are provided for ‘Multilateral Assistance—Funds Appro-
18 priated to the President—International Organizations and
19 Programs’ at a rate for operations of \$350,550,000.

20 “SEC. 470. Notwithstanding section 101, amounts
21 are provided for ‘Multilateral Assistance—Funds Appro-
22 priated to the President—International Financial Institu-
23 tions—Contribution to the International Development As-
24 sociation’ at a rate for operations of \$1,235,000,000.

1 “SEC. 471. Notwithstanding section 101, amounts
2 are provided for ‘Multilateral Assistance—Funds Appro-
3 priated to the President—International Financial Institu-
4 tions—Contribution to the Clean Technology Fund’ at a
5 rate for operations of \$250,000,000.

6 “SEC. 472. Notwithstanding section 101, amounts
7 are provided for ‘Multilateral Assistance—Funds Appro-
8 priated to the President—International Financial Institu-
9 tions—Contribution to the African Development Fund’ at
10 a rate for operations of \$125,000,000.

11 “SEC. 473. (a) Of the unobligated balances available
12 from funds appropriated under the heading ‘Export and
13 Investment Assistance—Export-Import Bank of the
14 United States—Subsidy Appropriation’ in the Department
15 of State, Foreign Operations, and Related Programs Ap-
16 propriations Act, 2009 (division H of Public Law 111–
17 8) and under such heading in prior acts making appro-
18 priations for the Department of State, foreign operations,
19 and related programs, \$150,000,000 is rescinded.

20 “(b) Of the unobligated balances from funds appro-
21 priated or otherwise made available for the Buying Power
22 Maintenance Account, \$15,000,000 is rescinded.

23 “(c) Of the unobligated balances available for the De-
24 velopment Assistance account, as identified by Treasury

1 Appropriation Fund Symbols 7206/111021, \$1,000,000 is
2 rescinded.

3 “(d) Of the unobligated balances available for the As-
4 sistance for the Independent States of the Former Soviet
5 Union account, as identified by Treasury Appropriation
6 Fund Symbols 7206/111093, 7207/121093, and
7 72X1093, \$11,700,000 is rescinded.

8 “(e) Of the unobligated balances available for the
9 International Narcotics Control and Law Enforcement ac-
10 count, as identified by Treasury Appropriation Fund Sym-
11 bols 11X1022, 1106/121022, and 191105/111022,
12 \$7,183,000 is rescinded.

13 “SEC. 474. Notwithstanding section 101, amounts
14 are provided for ‘Department of Transportation—Office
15 of the Secretary—Transportation Planning, Research, and
16 Development’ at a rate for operations of \$9,800,000.

17 “SEC. 475. Notwithstanding section 101, amounts
18 are provided for ‘Department of Transportation—Federal
19 Aviation Administration—Facilities and Equipment’ at a
20 rate for operations of \$2,927,500,000.

21 “SEC. 476. Notwithstanding section 101, amounts
22 are provided for ‘Department of Transportation—Federal
23 Aviation Administration—Research, Engineering, and De-
24 velopment’ at a rate for operations of \$187,000,000.

1 “SEC. 477. Notwithstanding section 101, amounts
2 are provided for ‘Department of Transportation—Federal
3 Railroad Administration—Capital Assistance for High
4 Speed Rail Corridors and Intercity Passenger Rail Service’
5 at a rate for operations of \$1,000,000,000.

6 “SEC. 478. Notwithstanding section 101, amounts
7 are provided for ‘Department of Transportation—Federal
8 Railroad Administration—Railroad Research and Devel-
9 opment’ at a rate for operations of \$35,100,000.

10 “SEC. 479. Notwithstanding section 101, amounts
11 are provided for ‘Department of Transportation—Federal
12 Transit Administration—Capital Investment Grants’ at a
13 rate for operations of \$1,720,000,000.

14 “SEC. 480. Notwithstanding section 101, amounts
15 are provided for ‘Department of Transportation—Federal
16 Transit Administration—Research and University Re-
17 search Centers’ at a rate for operations of \$64,200,000.

18 “SEC. 481. Notwithstanding section 101, amounts
19 are provided for ‘Department of Housing and Urban De-
20 velopment—Public and Indian Housing—Public Housing
21 Operating Fund’ at a rate for operations of
22 \$4,626,000,000.

23 “SEC. 482. Notwithstanding sections 101 and 226,
24 amounts are provided for ‘Department of Housing and
25 Urban Development—Community Planning and Develop-

1 ment—Community Development Fund’ at a rate for oper-
2 ations of \$4,230,068,480, of which \$0 shall be for grants
3 for the Economic Development Initiative (EDI), \$0 shall
4 be for neighborhood initiatives, and \$0 shall be for grants
5 specified in the last proviso of the last paragraph under
6 such heading in title II of division A of Public Law 111–
7 117: *Provided*, That the second and third paragraphs
8 under such heading in title II of division A of Public Law
9 111–117 shall not apply to funds appropriated by this
10 Act.”.

11 This division may be cited as the “Further Additional
12 Continuing Appropriations Amendments, 2011”.

13 This Act may be cited as the “Department of Defense
14 and Further Additional Continuing Appropriations Act,
15 2011”.

Passed the House of Representatives April 7, 2011.

Attest:

Clerk.

112TH CONGRESS
1ST SESSION

H. R. 1363

AN ACT

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