IN THE SENATE OF THE UNITED STATES

APRIL 7 (legislative day, APRIL 5), 2011

Received; read twice and ordered to be placed on the calendar

AN ACT

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

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

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Division A—Department of Defense Appropriations, 2011
Division B—Further Continuing Appropriations, 2011

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS, 2011

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

**TITLE I**

**MILITARY PERSONNEL**

**MILITARY PERSONNEL, ARMY**

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $41,042,653,000.

**MILITARY PERSONNEL, NAVY**

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for
members of the Reserve Officers’ Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $25,912,449,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $13,210,161,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers’ Training Corps; and for payments pursuant to section 156 of Public Law 97–
For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,333,165,000.

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent
duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,940,191,000.

**Reserve Personnel, Marine Corps**

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $612,191,000.

**Reserve Personnel, Air Force**

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

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities,
travel, and related expenses for personnel of the Army Na-
tional Guard while on duty under section 10211, 10302,
or 12402 of title 10 or section 708 of title 32, United
States Code, or while serving on duty under section
12301(d) of title 10 or section 502(f) of title 32, United
States Code, in connection with performing duty specified
in section 12310(a) of title 10, United States Code, or
while undergoing training, or while performing drills or
equivalent duty or other duty, and expenses authorized by
section 16131 of title 10, United States Code; and for pay-
ments to the Department of Defense Military Retirement
Fund, $7,511,296,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

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

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary
for the operation and maintenance of the Army, as author-
ized by law; and not to exceed $12,478,000 can be used
for emergencies and extraordinary expenses, to be ex-
pended on the approval or authority of the Secretary of
the Army, and payments may be made on his certificate
of necessity for confidential military purposes,
$33,306,117,000.

OPERATION AND MAINTENANCE, NAVY

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

Operation and Maintenance, Marine Corps

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

Operation and Maintenance, Air Force

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

Operation and Maintenance, Defense-Wide

(Including Transfer of Funds)

For expenses, not otherwise provided for, necessary
for the operation and maintenance of activities and agen-
cies of the Department of Defense (other than the military
departments), as authorized by law, $30,210,810,000:

Provided, That not more than $50,000,000 may be used
for the Combatant Commander Initiative Fund authorized
under section 166a of title 10, United States Code: Provided further, That not to exceed $36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: Provided further, That of the funds provided under this heading, not less than $31,659,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: Provided further, That $8,251,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which
transferred: Provided further, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

Operation and Maintenance, Army Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,840,427,000.

Operation and Maintenance, Navy Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,344,264,000.
For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $275,484,000.

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,291,027,000.

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 ex-
penses (other than mileage), as authorized by law for
Army personnel on active duty, for Army National Guard
division, regimental, and battalion commanders while in-
specting units in compliance with National Guard Bureau
regulations when specifically authorized by the Chief, Na-
tional Guard Bureau; supplying and equipping the Army
National Guard as authorized by law; and expenses of re-
pair, 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 admin-
istering the Air National Guard, including medical and
hospital treatment and related expenses in non-Federal
hospitals; maintenance, operation, and repairs to struc-
tures and facilities; transportation of things, hire of pas-
senger motor vehicles; supplying and equipping the Air
National Guard, as authorized by law; expenses for repair,
modification, maintenance, and issue of supplies and
equipment, including those furnished from stocks under
the control of agencies of the Department of Defense;
travel expenses (other than mileage) on the same basis as
authorized by law for Air National Guard personnel on
active Federal duty, for Air National Guard commanders
while inspecting units in compliance with National Guard
Bureau regulations when specifically authorized by the
Chief, National Guard Bureau, $5,963,839,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED
FORCES

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

ENVIRONMENTAL RESTORATION, ARMY
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $464,581,000, to
remain available until transferred: Provided, That the Sec-
retary of the Army shall, upon determining that such
funds are required for environmental restoration, reduc-
tion and recycling of hazardous waste, removal of unsafe
buildings and debris of the Department of the Army, or
for similar purposes, transfer the funds made available by
this appropriation to other appropriations made available
to the Department of the Army, to be merged with and
to be available for the same purposes and for the same
time period as the appropriations to which transferred:
Provided further, That upon a determination that all or
part of the funds transferred from this appropriation are
not necessary for the purposes provided herein, such
amounts may be transferred back to this appropriation:
Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $304,867,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred:

Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation:

Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.
ENVIRONMENTAL RESTORATION, Air Force

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $502,653,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, Defense-Wide

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $10,744,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds
are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(including transfer of funds)

For the Department of the Army, $316,546,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this
appropriate to other appropriations made available to
the Department of the Army, to be merged with and to
be available for the same purposes and for the same time
period as the appropriations to which transferred: Pro-
vided further, That upon a determination that all or part
of the funds transferred from this appropriation are not
necessary for the purposes provided herein, such amounts
may be transferred back to this appropriation: Provided
further, That the transfer authority provided under this
heading is in addition to any other transfer authority pro-
vided elsewhere in this Act.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

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

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet
Union and, with appropriate authorization by the Depart-
ment of Defense and Department of State, to countries
outside of the former Soviet Union, including assistance
provided by contract or by grants, for facilitating the
elimination and the safe and secure transportation and
storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $522,512,000, to remain available until September 30, 2013: Provided, That of the amounts provided under this heading, not less than $13,500,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and security enhancements for transport and storage of nuclear warheads in the Russian Far East and North.

DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND

For the Department of Defense Acquisition Workforce Development Fund, $217,561,000.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training
devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $5,254,791,000, to remain available for obligation until September 30, 2013.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,570,108,000, to remain available for obligation until September 30, 2013.
PROCUREMENT OF WEAPONS AND TRacked Combat

Vehicles, Army

For construction, procurement, production, and
modification of weapons and tracked combat vehicles,
equipment, including ordnance, spare parts, and acces-
sories therefor; specialized equipment and training devices;
expansion of public and private plants, including the land
necessary therefor, for the foregoing purposes, and such
lands and interests therein, may be acquired, and con-
struction prosecuted thereon prior to approval of title; and
procurement and installation of equipment, appliances,
and machine tools in public and private plants; reserve
plant and Government and contractor-owned equipment
layaway; and other expenses necessary for the foregoing
purposes, $1,461,086,000, to remain available for obliga-
tion until September 30, 2013.

PROCUREMENT OF AMMUNITION, ARMY

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

OTHER PROCUREMENT, ARMY

(INCLUDING TRANSFER OF FUNDS)

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

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification,
and modernization of aircraft, equipment, including
ordnance, spare parts, and accessories therefor; specialized
equipment; expansion of public and private plants, includ-
ing the land necessary therefor, and such lands and inter-
est therein, may be acquired, and construction prosecuted
thereon prior to approval of title; and procurement and
installation of equipment, appliances, and machine tools
in public and private plants; reserve plant and Govern-
ment and contractor-owned equipment layaway,
$16,170,868,000, to remain available for obligation until
September 30, 2013.

WEAPONS PROCUREMENT, NAVY

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

PROCUREMENT OF AMMUNITION, NAVY AND MARINE
Corps

For construction, procurement, production, and
modification of ammunition, and accessories therefor; spe-
cialized equipment and training devices; expansion of pub-
lic and private plants, including ammunition facilities, au-
thorized by section 2854 of title 10, United States Code,
and the land necessary therefor, for the foregoing pur-
poses, and such lands and interests therein, may be ac-
quired, and construction prosecuted thereon prior to ap-
proval of title; and procurement and installation of equip-
ment, appliances, and machine tools in public and private
plants; reserve plant and Government and contractor-
owned equipment layaway; and other expenses necessary
for the foregoing purposes, $790,527,000, to remain avail-
able for obligation until September 30, 2013.
SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

- Carrier Replacement Program, $1,721,969,000.
- Carrier Replacement Program (AP), $908,313,000.
- NSSN, $3,430,343,000.
- NSSN (AP), $1,691,236,000.
- CVN Refueling, $1,248,999,000.
- CVN Refuelings (AP), $408,037,000.
- DDG–1000 Program, $77,512,000.
- DDG–51 Destroyer, $2,868,454,000.
- DDG–51 Destroyer (AP), $47,984,000.
- Littoral Combat Ship, $1,168,984,000.
- Littoral Combat Ship (AP), $190,351,000.
LHA–R, $942,837,000.
Joint High Speed Vessel, $180,703,000.
Oceanographic Ships, $88,561,000.
LCAC Service Life Extension Program, $83,035,000.
Service Craft, $13,770,000.
For outfitting, post delivery, conversions, and first destination transportation, $295,570,000.
In all: $15,366,658,000, to remain available for obligation until September 30, 2015: Provided, That additional obligations may be incurred after September 30, 2015, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.
OTHER PROCUREMENT, NAVY

(INCLUDING TRANSFER OF FUNDS)

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of seven vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $5,804,963,000, to remain available for obligation until September 30, 2013: Provided, That of the funds made available in this paragraph, $15,000,000 shall be made available to procure equipment, not otherwise provided for, and may be transferred to other procurement accounts available to the Department of the Navy, and that funds so transferred shall be available for the same purposes and the same time period as the account to which transferred.
PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,236,436,000, to remain available for obligation until September 30, 2013.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Gov-
ernment and contractor-owned equipment layaway; and
other expenses necessary for the foregoing purposes in-
cluding rents and transportation of things,
$13,483,739,000, to remain available for obligation until
September 30, 2013: Provided, That none of the funds
provided in this Act for modification of C–17 aircraft,
Global Hawk Unmanned Aerial Vehicle and F–22 aircraft
may be obligated until all C–17, Global Hawk and F–22
contracts funded with prior year “Aircraft Procurement,
Air Force” appropriated funds are definitized unless the
Secretary of the Air Force certifies in writing to the con-
gressional defense committees that each such obligation
is necessary to meet the needs of a warfighting require-
ment or prevents increased costs to the taxpayer, and pro-
vides the reasons for failing to definitize the prior year
contracts along with the prospective contract definitization
schedule: Provided further, That the Secretary of the Air
Force shall expand the current HH–60 Operational Loss
Replacement program to meet the approved HH–60 Re-
capitalization program requirements.

MISSILE PROCUREMENT, AIR FORCE

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

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $731,487,000, to remain available for obligation until September 30, 2013.
Other Procurement, Air Force

(including transfer of funds)

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of two vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $17,568,091,000, to remain available for obligation until September 30, 2013: Provided, That of the funds made available in this paragraph, $15,000,000 shall be made available to procure equipment, not otherwise provided for, and may be transferred to other procurement accounts available to the Department of the Air Force, and that funds so transferred shall be available for the same pur-
poses and the same time period as the account to which transferred.

PROCUREMENT, DEFENSE-WIDE
(INCLUDING TRANSFER OF FUNDS)

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefore, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $4,009,321,000, to remain available for obligation until September 30, 2013: Provided, That of the funds made available in this paragraph, $15,000,000 shall be made available to procure equipment, not otherwise provided for, and may be transferred to other procurement accounts available to the Department of Defense, and that funds so transferred shall be available for the same purposes and the same time period as the account to which transferred.
DEFENSE PRODUCTION ACT PURCHASES

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

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $9,710,998,000, to remain available for obligation until September 30, 2012.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $17,736,303,000, to remain available for obligation until September 30, 2012: Provided, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces:
Provided further, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

Research, Development, Test and Evaluation,

Air Force

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $26,517,405,000, to remain available for obligation until September 30, 2012.

Research, Development, Test and Evaluation,

Defense-Wide

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $20,797,412,000, to remain available for obligation until September 30, 2012: Provided, That of the funds made available in this paragraph, $3,200,000 shall only be available for program management and oversight of innovative research and development.
For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $194,910,000, to remain available for obligation until September 30, 2012.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

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

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $1,474,866,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new...
contract that provides for the acquisition of any of the
following major components unless such components are
manufactured in the United States: auxiliary equipment,
including pumps, for all shipboard services; propulsion
system components (engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard
cranes: Provided further, That the exercise of an option
in a contract awarded through the obligation of previously
appropriated funds shall not be considered to be the award
of a new contract: Provided further, That the Secretary
of the military department responsible for such procure-
ment may waive the restrictions in the first proviso on
a case-by-case basis by certifying in writing to the Com-
mittees on Appropriations of the House of Representatives
and the Senate that adequate domestic supplies are not
available to meet Department of Defense requirements on
a timely basis and that such an acquisition must be made
in order to acquire capability for national security pur-
poses.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical
and health care programs of the Department of Defense
as authorized by law, $31,382,198,000; of which
$29,671,764,000 shall be for operation and maintenance, of which not to exceed 1 percent shall remain available until September 30, 2012, and of which up to $16,212,121,000 may be available for contracts entered into under the TRICARE program; of which $534,921,000, to remain available for obligation until September 30, 2013, shall be for procurement; and of which $1,175,513,000, to remain available for obligation until September 30, 2012, shall be for research, development, test and evaluation: Provided, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than $10,000,000 shall be available for HIV prevention educational activities undertaken in connection with United States military training, exercises, and humanitarian assistance activities conducted primarily in African nations.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,

DEFENSE

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

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of
the Department of Defense, for transfer to appropriations
available to the Department of Defense for military per-
sonnel of the reserve components serving under the provi-
sions of title 10 and title 32, United States Code; for oper-
ation and maintenance; for procurement; and for research,
development, test and evaluation, $1,156,957,000: Pro-
vided, That the funds appropriated under this heading
shall be available for obligation for the same time period
and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

Office of the Inspector General

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $306,794,000, of which $305,794,000 shall be for operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General’s certificate of necessity for confidential military purposes; and of which $1,000,000, to remain available until September 30, 2013, shall be for procurement.
TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $292,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, $649,732,000.

TITLE VIII

GENERAL PROVISIONS

Sec. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

Sec. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian
employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That, in the case of a host nation that does not provide salary increases on an annual basis, any increase granted by that nation shall be annualized for the purpose of applying the preceding proviso: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

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

Sec. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: Provided, That this section shall not apply to obligations for support of active
duty training of reserve components or summer camp training of the Reserve Officers’ Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $4,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher pri-
priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: Provided further, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2011: Provided further, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

SEC. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled “Explanation of Project Level Adjustments” in the explanatory statement regarding this Act, the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdi-
sions of appropriations for purposes of section 8005 of this
Act: Provided, That section 8005 shall apply when trans-
sfers of the amounts described in subsection (a) occur be-
tween appropriation accounts.

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

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

(2) a delineation in the table for each appro-
priation both by budget activity and program,
project, and activity as detailed in the Budget Ap-
pendix; and

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

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

(TRANSFER OF FUNDS)

Sec. 8008. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds: Provided further, That transfers may be made between working capital funds and the “Foreign Currency Fluctuations, Defense” appropriation and the “Operation and Maintenance” appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Sec-
Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8010. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government’s liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 un-
less specifically provided in this Act: Provided further,
That no multiyear procurement contract can be termi-
nated without 10-day prior notification to the congres-
sional defense committees: Provided further, That the exe-
cution of multiyear authority shall require the use of a
present value analysis to determine lowest cost compared
to an annual procurement: Provided further, That none of
the funds provided in this Act may be used for a multiyear
contract executed after the date of the enactment of this
Act unless in the case of any such contract—

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

(2) cancellation provisions in the contract do
not include consideration of recurring manufacturing
costs of the contractor associated with the produc-
tion of unfunded units to be delivered under the con-
tract;
(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

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


Sec. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by
Public Law 99–239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

Sec. 8012. (a) During fiscal year 2011, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2012 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2012 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2012.
(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8013. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8014. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this section applies only to active components of the Army.

SEC. 8015. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense civilian employees unless—

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

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

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

(B) $10,000,000; and

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

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

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

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

(A) is included on the procurement list es-
established pursuant to section 2 of the Javits-
Wagner-O’Day Act (section 8503 of title 41,
United States Code);

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

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

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

Sec. 8016. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the

SEC. 8017. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section, the term “manufactured” shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured outside the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are

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not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8018. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, unless the small arms ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use.

SEC. 8019. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing
to the congressional defense committees that such a relo-
cation is required in the best interest of the Government.

SEC. 8020. In addition to the funds provided else-
where in this Act, $15,000,000 is appropriated only for
incentive payments authorized by section 504 of the In-
That a prime contractor or a subcontractor at any tier
that makes a subcontract award to any subcontractor or
supplier as defined in section 1544 of title 25, United
States Code, or a small business owned and controlled by
an individual or individuals defined under section 4221(9)
of title 25, United States Code, shall be considered a con-
tractor for the purposes of being allowed additional com-
pensation under section 504 of the Indian Financing Act
of 1974 (25 U.S.C. 1544) whenever the prime contract
or subcontract amount is over $500,000 and involves the
expenditure of funds appropriated by an Act making Ap-
propriations for the Department of Defense with respect
to any fiscal year: Provided further, That notwithstanding
section 430 of title 41, United States Code, this section
shall be applicable to any Department of Defense acquisi-
tion of supplies or services, including any contract and any
subcontract at any tier for acquisition of commercial items
produced or manufactured, in whole or in part by any sub-
contractor or supplier defined in section 1544 of title 25,
United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

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

SEC. 8022. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

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

(1) $27,048,000 shall be available from “Operation and Maintenance, Air Force” to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) $2,424,000 shall be available from “Aircraft Procurement, Air Force”; and
(3) $902,000 shall be available from “Other Procurement, Air Force” for vehicle procurement.

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

Sec. 8024. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Fed-
eral Joint Travel Regulations, when engaged in the performance of membership duties.

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

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

(e) The Secretary of Defense shall, with the submission of the department’s fiscal year 2012 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense
FFRDC during that fiscal year and the associated budget estimates.

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

SEC. 8025. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to
contracts which are in being as of the date of the enactment of this Act.

SEC. 8026. For the purposes of this Act, the term “congressional defense committees” means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8027. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.
SEC. 8028. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary’s blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2011. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.
(c) For purposes of this section, the term “Buy American Act” means chapter 83 of title 41, United States Code.


SEC. 8030. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

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

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

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

SEC. 8031. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

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

(b) The fiscal year 2012 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2012 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2012 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

Sec. 8033. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until Sep-
tember 30, 2012: Provided, That funds appropriated, 
transferred, or otherwise credited to the Central Intel-
ligence Agency Central Services Working Capital Fund 
during this or any prior or subsequent fiscal year shall 
remain available until expended: Provided further, That 
any funds appropriated or transferred to the Central Intel-
ligence Agency for advanced research and development ac-
quision, for agent operations, and for covert action pro-
grams authorized by the President under section 503 of 
the National Security Act of 1947, as amended, shall re-
main available until September 30, 2012.

Sec. 8034. Notwithstanding any other provision of 
law, funds made available in this Act for the Defense In-
telligence Agency may be used for the design, develop-
ment, and deployment of General Defense Intelligence 
Program intelligence communications and intelligence in-
formation systems for the Services, the Unified and Speci-
fied Commands, and the component commands.

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

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

(b) If the Secretary of Defense determines that a per-
son has been convicted of intentionally affixing a label
bearing a “Made in America” inscription to any product
sold in or shipped to the United States that is not made
in America, the Secretary shall determine, in accordance
with section 2410f of title 10, United States Code, wheth-
er the person should be debarred from contracting with
the Department of Defense.

(c) In the case of any equipment or products pur-
chased with appropriations provided under this Act, it is
the sense of the Congress that any entity of the Depart-
ment of Defense, in expending the appropriation, purchase
only American-made equipment and products, provided
that American-made equipment and products are cost-
competitive, quality competitive, and available in a timely
fashion.
SEC. 8037. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

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

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.
SEC. 8038. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee’s place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

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

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats; or

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

Sec. 8039. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading “Operation and Maintenance, Defense-Wide” to make grants and supplement other Federal funds in accordance with the guidance provided in the explanatory statement regarding this Act.

(RESCISSIONS)

Sec. 8040. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:


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


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

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

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


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

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

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


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

SEC. 8042. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People’s Republic of Korea unless specifically appropriated for that purpose.

SEC. 8043. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.
SEC. 8044. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: Provided, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8045. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

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

SEC. 8046. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement
may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That this restriction shall not apply to the purchase of "commercial items", as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8047. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8048. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction
of another Federal agency not financed by this Act without the express authorization of Congress: Provided, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

Sec. 8049. (a) Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.
(c) A notice under subsection (a) shall include the following:

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

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

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

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

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and
(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8051. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading “Operation and Maintenance, Defense-Wide” may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8052. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

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

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

(3) in the case of an expired account, the obli-
gation is not chargeable to a current appropriation
of the Department of Defense under the provisions
of section 1405(b)(8) of the National Defense Au-
thorization Act for Fiscal Year 1991, Public Law
101–510, as amended (31 U.S.C. 1551 note): Pro-
vided, That in the case of an expired account, if sub-
sequent review or investigation discloses that there
was not in fact a negative unliquidated or unex-
pended balance in the account, any charge to a cur-
rent account under the authority of this section shall
be reversed and recorded against the expired ac-
count: Provided further, That the total amount
charged to a current appropriation under this sec-
tion may not exceed an amount equal to 1 percent
of the total appropriation for that account.

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

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

Sec. 8054. Using funds made available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern and at the Rhine Ordnance Barracks area, such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.
SEC. 8055. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Intelligence Program: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

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

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

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

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

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

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

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

(b) The Secretary of Defense, in consultation with the
Secretary of State, shall ensure that prior to a decision
to conduct any training program referred to in subsection
(a), full consideration is given to all credible information
available to the Department of State relating to human
rights violations by foreign security forces.

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

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

SEC. 8059. None of the funds appropriated or made
available in this Act to the Department of the Navy shall
be used to develop, lease or procure the T–AKE class of
ships unless the main propulsion diesel engines and
propulsors are manufactured in the United States by a
domestically operated entity: Provided, That the Secretary
of Defense may waive this restriction on a case-by-case
basis by certifying in writing to the Committees on Appro-
priations of the House of Representatives and the Senate
that adequate domestic supplies are not available to meet
Department of Defense requirements on a timely basis
and that such an acquisition must be made in order to
acquire capability for national security purposes or there
exists a significant cost or quality difference.

SEC. 8060. None of the funds appropriated or other-
wise made available by this or other Department of De-
fense Appropriations Acts may be obligated or expended
for the purpose of performing repairs or maintenance to
military family housing units of the Department of De-
fense, including areas in such military family housing
units that may be used for the purpose of conducting offi-
cial Department of Defense business.
sec. 8061. notwithstanding any other provision of law, funds appropriated in this act under the heading “research, development, test and evaluation, defense-wide” for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: provided, that the secretary of defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

sec. 8062. the secretary of defense shall provide a classified quarterly report beginning 30 days after enactment of this act, to the house and senate appropriations committees, subcommittees on defense on certain matters as directed in the classified annex accompanying this act.

sec. 8063. during the current fiscal year, none of the funds available to the department of defense may be used to provide support to another department or agency of the united states if such department or agency is more than 90 days in arrears in making payment to the department of defense for goods or services previously provided
to such department or agency on a reimbursable basis:

Provided, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

Sec. 8064. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

Sec. 8065. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of “armor penetrator”, “armor piercing (AP)”, “armor piercing incendiary (API)”, or “armor-piercing incendiary tracer (API–T)”, except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity
to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8066. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8067. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United...
States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

Sec. 8068. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year, and hereafter, may be used to fund civil requirements associated with the satellite and ground control segments of such system’s modernization program.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8069. Of the amounts appropriated in this Act under the heading “Operation and Maintenance, Army”, $147,258,300 shall remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such
funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

Sec. 8070. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2011.

Sec. 8071. In addition to amounts provided elsewhere in this Act, $4,000,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, that upon the determination of the Secretary of Defense that it shall serve the national interest, these funds shall be available only for a grant to the
Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8072. Of the amounts appropriated in this Act under the headings “Procurement, Defense-Wide” and “Research, Development, Test and Evaluation, Defense-Wide”, $415,115,000 shall be for the Israeli Cooperative Programs: Provided, That of this amount, $205,000,000 shall be for the Secretary of Defense to provide to the Government of Israel for the procurement of the Iron Dome defense system to counter short-range rocket threats, $84,722,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program, $58,966,000 shall be available for an upper-tier component to the Israeli Missile Defense Architecture, and $66,427,000 shall be for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite, of which $12,000,000 shall be for producing Arrow missile components in the United States and Arrow missile components in Israel to meet Israel’s defense requirements, consistent with each na-
tion’s laws, regulations and procedures: Provided further,
That funds made available under this provision for pro-
duction of missiles and missile components may be trans-
ferred to appropriations available for the procurement of
weapons and equipment, to be merged with and to be
available for the same time period and the same purposes
as the appropriation to which transferred: Provided fur-
ther, That the transfer authority provided under this pro-
vision is in addition to any other transfer authority con-
tained in this Act.

Sec. 8073. None of the funds available to the De-
partment of Defense may be obligated to modify command
and control relationships to give Fleet Forces Command
administrative and operational control of U.S. Navy forces
assigned to the Pacific fleet: Provided, That the command
and control relationships which existed on October 1,
2004, shall remain in force unless changes are specifically
authorized in a subsequent Act.

Sec. 8074. Notwithstanding any other provision of
law or regulation, the Secretary of Defense may exercise
the provisions of section 7403(g) of title 38, United States
Code, for occupations listed in section 7403(a)(2) of title
38, United States Code, as well as the following:
Pharmacists, Audiologists, Psychologists, Social
Workers, Othotists/Prosthetists, Occupational
Therapists, Physical Therapists, Rehabilitation Therapists, Respiratory Therapists, Speech Pathologists, Dietitian/Nutritionists, Industrial Hygienists, Psychology Technicians, Social Service Assistants, Practical Nurses, Nursing Assistants, and Dental Hygienists:

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

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

SEC. 8075. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2011 until the enactment of the Intelligence Authorization Act for Fiscal Year 2011.

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

SEC. 8077. The budget of the President for fiscal year 2012 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces’ participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: Provided, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: Provided further, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: Provided further, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.
Sec. 8078. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8079. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $65,200,000 is hereby appropriated to the Department of Defense: Provided, That upon the determination of the Secretary of Defense that it shall serve the national interest, he shall make grants in the amounts specified as follows: $20,000,000 to the United Service Organizations; $24,000,000 to the Red Cross; $1,200,000 to the Special Olympics; and $20,000,000 to the Youth Mentoring Grants Program: Provided further, That funds available in this section for the Youth Mentoring Grants Program may be available for transfer to the Department of Justice Youth Mentoring Grants Program.

Sec. 8080. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: Provided, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to
perform other missions in support of national defense re-
quirements during the non-hurricane season.

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

SEC. 8082. (a) At the time members of reserve com-
ponents of the Armed Forces are called or ordered to ac-
tive duty under section 12302(a) of title 10, United States
Code, each member shall be notified in writing of the ex-
pected period during which the member will be mobilized.

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8083. The Secretary of Defense may transfer
funds from any available Department of the Navy appro-
priation to any available Navy ship construction appro-
appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: Provided, That the Secretary may transfer not to exceed $100,000,000 under the authority provided by this section: Provided further, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the House of Representatives and the Senate, unless a response from the Committees is received sooner: Provided further, That any funds transferred pursuant to this section shall retain the same period of availability as when originally appropriated: Provided further, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

Sec. 8084. For purposes of section 7108 of title 41, United States Code, any subdivision of appropriations made under the heading “Shipbuilding and Conversion, Navy” that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading “Shipbuilding and Conversion, Navy” appropriations in the current fiscal year or any prior fiscal year.
SEC. 8085. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the MQ–1C Sky Warrior Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8086. Notwithstanding any other provision of law or regulation, during the current fiscal year and hereafter, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8087. Up to $15,000,000 of the funds appropriated under the heading “Operation and Maintenance, Navy” may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: Provided, That funds made available for this purpose may be used, notwith-
standing any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: Provided further, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

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

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

Sec. 8090. Notwithstanding any other provision of law, not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.
Sec. 8091. The Director of National Intelligence shall include the budget exhibits identified in paragraphs (1) and (2) as described in the Department of Defense Financial Management Regulation with the congressional budget justification books:

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

(2) For research, development, test and evaluation projects requesting more than $10,000,000 in any fiscal year, the R–1, RDT&E Program; R–2, RDT&E Budget Item Justification; R–3, RDT&E Project Cost Analysis; and R–4, RDT&E Program Schedule Profile.

Sec. 8092. The Secretary of Defense shall create a major force program category for space for each future-years defense program of the Department of Defense submitted to Congress under section 221 of title 10, United States Code, during fiscal year 2011. The Secretary of Defense shall designate an official in the Office of the Secretary of Defense to provide overall supervision of the preparation and justification of program recommendations.
and budget proposals to be included in such major force program category.

SEC. 8093. (a) Not later than 60 days after enactment of this Act, the Office of the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2011: Provided, That the report shall include—

(1) a table for each appropriation with a separate column to display the President’s budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation by Expenditure Center and project; and

(3) an identification of items of special congressional interest.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.
SEC. 8094. The Director of National Intelligence shall submit to Congress each year, at or about the time that the President’s budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

SEC. 8095. For the purposes of this Act, the term “congressional intelligence committees” means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

SEC. 8096. The Department of Defense shall continue to report incremental contingency operations costs for Operation New Dawn and Operation Enduring Freedom on a monthly basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation Department of Defense In-
Sec. 8097. The amounts appropriated in title II of this Act are hereby reduced by $483,000,000 to reflect excess cash balances in Department of Defense Working Capital Funds, as follows: From “Operation and Maintenance, Army”, $483,000,000.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8098. During the current fiscal year, not to exceed $11,000,000 from each of the appropriations made in title II of this Act for “Operation and Maintenance, Army”, “Operation and Maintenance, Navy”, and “Operation and Maintenance, Air Force” may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8099. Of the funds appropriated in the Intelligence Community Management Account for the Program Manager for the Information Sharing Environment, $24,000,000 is available for transfer by the Director of National Intelligence to other departments and agencies for purposes of Government-wide information sharing activities: Provided, That funds transferred under this provision are to be merged with and available for the same pur-
poses and time period as the appropriation to which trans-
erred: Provided further, That the Office of Management
and Budget must approve any transfers made under this
provision.

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

Sec. 8101. (a) Any agency receiving funds made
available in this Act, shall, subject to subsections (b) and
(c), post on the public website of that agency any report
required to be submitted by the Congress in this or any
other Act, upon the determination by the head of the agen-

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

(1) the public posting of the report com-

promises national security; or

(2) the report contains proprietary information.

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

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

(1) enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or

(2) take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee or independent contractor resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract unless the contractor certifies that it requires
each covered subcontractor to agree not to enter into, and not to take any action to enforce any provision of, any agreement as described in paragraphs (1) and (2) of subsection (a), with respect to any employee or independent contractor performing work related to such subcontract. For purposes of this subsection, a “covered subcontractor” is an entity that has a subcontract in excess of $1,000,000 on a contract subject to subsection (a).

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

(d) The Secretary of Defense may waive the application of subsection (a) or (b) to a particular contractor or subcontractor for the purposes of a particular contract or subcontract if the Secretary or the Deputy Secretary personally determines that the waiver is necessary to avoid harm to national security interests of the United States, and that the term of the contract or subcontract is not longer than necessary to avoid such harm. The determination shall set forth with specificity the grounds for the waiver and for the contract or subcontract term selected, and shall state any alternatives considered in lieu of a waiver and the reasons each such alternative would not avoid harm to national security interests of the United
States. The Secretary of Defense shall transmit to Con-
gress, and simultaneously make public, any determination
under this subsection not less than 15 business days be-
fore the contract or subcontract addressed in the deter-
mination may be awarded.

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

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

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

Sec. 8104. (a)(1) No National Intelligence Program funds appropriated in this Act may be used for a mission critical or mission essential business management information technology system that is not registered with the Director of National Intelligence. A system shall be considered to be registered with that officer upon the furnishing notice of the system, together with such information concerning the system as the Director of the Business Transformation Office may prescribe.

(2) During the current fiscal year no funds may be obligated or expended for a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a business system improvement of more than $3,000,000, within the Intelligence Community without the approval of the Business Transformation Office, and the designated Intelligence Community functional lead element.

(b) The Director of the Business Transformation Office shall provide the congressional intelligence committees a semi-annual report of approvals under paragraph (1) no later than March 30 and September 30 of each year. The report shall include the results of the Business Trans-
formation Investment Review Board’s semi-annual activities, and each report shall certify that the following steps have been taken for systems approved under paragraph (1):

(1) Business process reengineering.

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

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

(4) Performance measures.

(5) An information assurance strategy consistent with the Chief Information Officer of the Intelligence Community.

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

(INCLUDING TRANSFER OF FUNDS)

Sec. 8105. Of the funds appropriated in this Act for the Office of the Director of National Intelligence, $50,000,000, may be transferred to appropriations available to the Central Intelligence Agency, the National Security Agency, and the National Geospatial Intelligence Agency, the Defense Intelligence Agency and the National Reconnaissance Office for the Business Transformation
Transfer Funds, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: Provided, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8106. In addition to funds made available elsewhere in this Act, there is hereby appropriated $538,875,000, to remain available until transferred: Provided, That these funds are appropriated to the “Tanker Replacement Transfer Fund” (referred to as “the Fund” elsewhere in this section): Provided further, That the Secretary of the Air Force may transfer amounts in the Fund to “Operation and Maintenance, Air Force”, “Aircraft Procurement, Air Force”, and “Research, Development, Test and Evaluation, Air Force”, only for the purposes of proceeding with a tanker acquisition program: Provided further, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriations or fund to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of the Air Force shall, not fewer than 15 days prior to making transfers using funds provided in this section, no-
tify the congressional defense committees in writing of the
details of any such transfer: Provided further, That the
Secretary shall submit a report no later than 30 days after
the end of each fiscal quarter to the congressional defense
committees summarizing the details of the transfer of
funds from this appropriation.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8107. From within the funds appropriated for
operation and maintenance for the Defense Health Pro-
gram in this Act, up to $132,200,000, shall be available
for transfer to the Joint Department of Defense-Depart-
ment of Veterans Affairs Medical Facility Demonstration
Fund in accordance with the provisions of section 1704
of the National Defense Authorization Act for Fiscal Year
2010, Public Law 111–84: Provided, That for purposes
of section 1704(b), the facility operations funded are oper-
ations of the integrated Captain James A. Lovell Federal
Health Care Center, consisting of the North Chicago Vet-
ers Affairs Medical Center, the Navy Ambulatory Care
Center, and supporting facilities designated as a combined
Federal medical facility as described by section 706 of
Public Law 110–417: Provided further, That additional
funds may be transferred from funds appropriated for op-
eration and maintenance for the Defense Health Program
to the Joint Department of Defense-Department of Vet-
erans Affairs Medical Facility Demonstration Fund upon
written notification by the Secretary of Defense to the
Committees on Appropriations of the House of Represent-
atives and the Senate.

Sec. 8108. (a) Of the amounts made available in this
Act under the heading “Operation and Maintenance, Navy”, not less than $2,000,000, shall be made available
for leveraging the Army’s Contractor Manpower Reporting
Application, modified as appropriate for Service-specific
requirements, for documenting the number of full-time
contractor employees (or its equivalent) pursuant to
United States Code title 10, section 2330a(e) and meeting
the requirements of United States Code title 10, section
2330a(e) and United States Code title 10, section 235.

(b) Of the amounts made available in this Act under
the heading “Operation and Maintenance, Air Force”, not
less than $2,000,000 shall be made available for
leveraging the Army’s Contractor Manpower Reporting
Application, modified as appropriate for Service-specific
requirements, for documenting the number of full-time
contractor employees (or its equivalent) pursuant to
United States Code title 10 section 2330a(e) and meeting
the requirements of United States Code title 10, section
2330a(e) and United States Code title 10, section 235.
(c) The Secretaries of the Army, Navy, Air Force, and the Directors of the Defense Agencies and Field Activities (in coordination with the appropriate Principal Staff Assistant), in coordination with the Under Secretary of Defense for Personnel and Readiness, shall report to the congressional defense committees within 60 days of enactment of this Act their plan for documenting the number of full-time contractor employees (or its equivalent), 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 Edu-
cation shall give priority consideration to those military
installations with schools having the most serious capacity
or facility condition deficiencies as determined by the Sec-
retary of Defense.

Sec. 8110. In addition to amounts provided else-
where 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-
ment, notwithstanding any other provision of law, for
transportation infrastructure improvements associated
with medical facilities related to recommendations of the
Defense Base Closure and Realignment Commission.

Sec. 8111. Section 310(b) of the Supplemental Ap-
1871) is amended by striking “1 year” both places it ap-
ppears and inserting “2 years”.

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

Sec. 8113. For all major defense acquisition programs for which the Department of Defense plans to proceed to source selection during the current fiscal year, the Secretary of Defense shall perform an assessment of the winning bidder to determine whether or not the proposed costs are realistic and reasonable with respect to proposed development and production costs. The Secretary of Defense shall provide a report of these assessments, to specifically include whether any cost assessments determined that such proposed costs were unreasonable or unrealistic, to the congressional defense committees not later than 60 days after enactment of this Act and on a quarterly basis thereafter.

Sec. 8114. (a) The Deputy Under Secretary of Defense for Installations and Environment, in collaboration with the Secretary of Energy, shall conduct energy security pilot projects at facilities of the Department of Defense.

(b) In addition to the amounts provided elsewhere in this Act, $20,000,000, is appropriated to the Department of Defense for “Operation and Maintenance, Defense-
SEC. 8115. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay a retired general or flag officer to serve as a senior mentor advising the Department of Defense unless such retired officer files a Standard Form 278 (or successor form concerning public financial disclosure under part 2634 of title 5, Code of Federal Regulations) to the Office of Government Ethics.

SEC. 8116. Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, the Chief of the Air Force Reserve, and the Director of the National Guard Bureau, in collaboration with the Secretary of Agriculture and the Secretary of the Interior, shall submit to the Committees on Appropriations of the House and Senate, the House Committee on Agriculture, the Senate Committee on Agriculture, Nutrition and Forestry, the House Committee on Natural Resources, and the Senate Committee on Energy and Natural Resources a report of firefighting aviation assets. The report required under this section shall include each of the following:

(1) A description of the programming details necessary to obtain an appropriate mix of fixed wing
and rotor wing firefighting assets needed to produce an effective aviation resource base to support the wildland fire management program into the future. Such programming details shall include the acquisition and contracting needs of the mix of aviation resources fleet, including the acquisition of up to 24 C–130Js equipped with the Mobile Airborne Fire Fighting System II (in this section referred to as “MAFFS”), to be acquired over several fiscal years starting in fiscal year 2012.

(2) The costs associated with acquisition and contracting of the aviation assets described in paragraph (1).

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

(A) Crew ratio based on 4, 6, or 8 C–130J Air National Guard unit construct and requirement for full-time equivalent crews.
(B) Associated maintenance and other support personnel and requirement for full-time equivalent positions.

(C) Yearly flying hour model and the cost for use of a fixed and rotor wing aviation fleet, including C–130J in its MAFFS capacity supporting the United States Forest Service.

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

(E) Any other costs required to conduct both the airlift and firefighting missions, including the Air National Guard unit construct for C–130Js.

(4) Proposed program management, utilization, and cost share arrangements for the aircraft described in paragraph (1) for primary support of the Forest Service and secondary support, on an as available basis, for the Department of Defense, together with any proposed statutory language needed to authorize and effectuate the same.

(5) An integrated plan for the Forest Service and the Department of the Interior wildland fire management programs to operate the fire fighting air tanker assets referred to in this section.
SEC. 8117. Notwithstanding any other provision of this Act, to reflect savings from revised economic assumptions, the total amount appropriated in title II of this Act is hereby reduced by $244,000,000, the total amount appropriated in title III of this Act is hereby reduced by $258,000,000, and the total amount appropriated in title IV of this Act is hereby reduced by $175,000,000: Provided, That the Secretary of Defense shall allocate this reduction proportionally to each budget activity, activity group, subactivity group, and each program, project, and activity, within each appropriation account.

SEC. 8118. The total amount available in this Act for pay for civilian personnel of the Department of Defense for fiscal year 2011 shall be the amount otherwise appropriated or made available by this Act for such pay reduced by $723,000,000.

SEC. 8119. None of the funds appropriated or otherwise made available to the Department of Defense may be used for the disestablishment, closure, or realignment of the Joint Forces Command unless within 120 days of the enactment of this Act—

(1) the Secretary of Defense notifies the congressional defense committees of the proposed disestablishment, closure, or realignment of the Joint Forces Command; and
(2) the Secretary submits to the congressional defense committees a plan for the disestablishment, closure, or realignment of the Joint Forces Command, which plan shall contain at a minimum—

(A) an explanation of the projected savings of the proposed disestablishment, closure, or realignment;

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

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

(D) the strategic and operational consequences of the proposed disestablishment, closure, or realignment; and

(E) an appropriate local economic assessment of the proposed disestablishment, closure, or realignment, which shall include at a minimum—

(i) a list of Federal, State, and local government departments and agencies that are required by statute or regulation to provide assistance and outreach for the community affected by the proposed disestablishment, closure, or realignment; and
(ii) a list of the contractors and businesses affected by the proposed disestablishment, closure, or realignment.

SEC. 8120. The explanatory statement regarding this Act, printed in the House of Representatives section of the Congressional Record on or about April 6, 2011, by the Chairman of the Committee on Appropriations of the House of Representatives, shall have the same effect with respect to the allocation of funds and implementation of this Act as if it were a Report of the Committee on Appropriations.

SEC. 8121. None of the funds appropriated or otherwise made available by this Act or any other appropriations Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

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

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

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

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

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

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

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

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

(4) has agreed to take effective steps to ensure that the individual cannot take action to threaten the United States, its citizens, or its allies in the future;

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

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

(A) is related to the individual or any associates of the individual; and

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

(c)(1) Except as provided in paragraph (3), none of the funds appropriated or otherwise made available by this Act or any other appropriations Act may be used to transfer any individual detained at Guantanamo to the custody or effective control of the individual’s country of origin, any other foreign country, or any other foreign entity if
there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was transferred to the foreign country or entity and subsequently engaged in any terrorist activity.

(2) The Secretary of Defense may waive the prohibition in paragraph (1) if the Secretary determines that such a transfer is in the national security interests of the United States and includes, as part of the certification described in subsection (b) relating to such transfer, the determination of the Secretary under this paragraph.

(3) Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction. The Secretary shall notify Congress promptly upon issuance of any such order.

(d) For the purposes of this section:

(1) The term “individual detained at Guantanamo” means any individual who is located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—
(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(I) in the custody or under the effective control of the Department of Defense;

or

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

(2) The term “foreign terrorist organization” means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

Sec. 8123. (a) None of the funds appropriated or otherwise made available by this Act or any other appropriations Act may be used to construct or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c)) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.
(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

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

(2) is—

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

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

TITLE IX

OVERSEAS CONTINGENCY OPERATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for “Military Personnel, Army”, $11,468,033,000: 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. **MILITARY PERSONNEL, NAVY**
   
   For an additional amount for “Military Personnel, Navy”, $1,308,719,000: *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.

2. **MILITARY PERSONNEL, MARINE CORPS**
   
   For an additional amount for “Military Personnel, Marine Corps”, $732,920,000: *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.

3. **MILITARY PERSONNEL, AIR FORCE**
   
   For an additional amount for “Military Personnel, Air Force”, $2,060,442,000: *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.
403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, ARMY

For an additional amount for “Reserve Personnel, Army”, $268,031,000: 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.

RESERVE PERSONNEL, NAVY

For an additional amount for “Reserve Personnel, Navy”, $48,912,000: 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.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for “Reserve Personnel, Marine Corps”, $45,437,000: 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.

**RESERVE PERSONNEL, AIR FORCE**

For an additional amount for “Reserve Personnel, Air Force”, $27,002,000: *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.

**NATIONAL GUARD PERSONNEL, ARMY**

For an additional amount for “National Guard Personnel, Army”, $853,022,000: *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.

**NATIONAL GUARD PERSONNEL, AIR FORCE**

For an additional amount for “National Guard Personnel, Air Force”, $16,860,000: *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

OPERATION AND MAINTENANCE, ARMY

For an additional amount for “Operation and Maintenance, Army”, $59,212,782,000: 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, NAVY

For an additional amount for “Operation and Maintenance, Navy”, $8,970,724,000: 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.
For an additional amount for “Operation and Maintenance, Marine Corps”, $4,008,022,000: 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.

For an additional amount for “Operation and Maintenance, Air Force”, $12,989,643,000: 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.

For an additional amount for “Operation and Maintenance, Defense-Wide”, $9,276,990,000: Provided, That each amount in this section 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: Provided further, That of the funds provided under this heading:

(1) Not to exceed $12,500,000 for the Combat-ant Commander Initiative Fund, to be used in support of Operation New Dawn and Operation Enduring Freedom.

(2) Not to exceed $1,600,000,000, to remain available until expended, for payments to reimburse key cooperating nations for logistical, military, and other support, including access provided to United States military operations in support of Operation New Dawn and Operation Enduring Freedom, notwithstanding any other provision of law: Provided, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and con-
clusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the requirement to provide notification shall not apply with respect to a reimbursement for access based on an international agreement: Provided further, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

Operation and Maintenance, Army Reserve

For an additional amount for “Operation and Maintenance, Army Reserve”, $206,784,000: 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(e)(2) of H. Res. 5 (112th Congress) and as an emergency requirement 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, Navy Reserve**

For an additional amount for “Operation and Maintenance, Navy Reserve”, $93,559,000: *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, Marine Corps Reserve**

For an additional amount for “Operation and Maintenance, Marine Corps Reserve”, $29,685,000: *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.
For an additional amount for “Operation and Maintenance, Air Force Reserve”, $203,807,000: 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.

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.

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

AFGHANISTAN INFRASTRUCTURE FUND
(INCLUDING TRANSFER OF FUNDS)

There is hereby established in the Treasury of the
United States the “Afghanistan Infrastructure Fund”.
For the “Afghanistan Infrastructure Fund”,
$400,000,000, to remain available until September 30,
2012: Provided, That such sums shall be available for in-
frastucture projects in Afghanistan, notwithstanding any
other provision of law, which shall be undertaken by the
Secretary of State, unless the Secretary of State and the
Secretary of Defense jointly decide that a specific project
will be undertaken by the Department of Defense: Pro-
vided further, That the infrastructure referred to in the
preceding proviso is in support of the counterinsurgency
strategy, requiring funding for facility and infrastructure
projects, including, but not limited to, water, power, and
transportation projects and related maintenance and
sustainment costs: Provided further, That the authority to
undertake such infrastructure projects is in addition to
any other authority to provide assistance to foreign nations: \textit{Provided further}, That any projects funded by this appropriation shall be jointly formulated and concurred in by the Secretary of State and Secretary of Defense: \textit{Provided further}, That funds may be transferred to the Department of State for purposes of undertaking projects, which funds shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act: \textit{Provided further}, That the transfer authority in the preceding proviso is in addition to any other authority available to the Department of Defense to transfer funds: \textit{Provided further}, That any unexpended funds transferred to the Secretary of State under this authority shall be returned to the Afghanistan Infrastructure Fund if the Secretary of State, in coordination with the Secretary of Defense, determines that the project cannot be implemented for any reason, or that the project no longer supports the counterinsurgency strategy in Afghanistan: \textit{Provided further}, That any funds returned to the Secretary of Defense under the previous proviso shall be available for use under this appropriation and shall be treated in the same manner as funds not transferred to the Secretary of State: \textit{Provided further}, That contributions of funds for the purposes provided herein to the Secretary
of State in accordance with section 635(d) of the Foreign Assistance Act from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers to or from, or obligations from the Fund, notify the appropriate committees of Congress in writing of the details of any such transfer: Provided further, That the “appropriate committees of Congress” are the Committees on Armed Services, Foreign Relations and Appropriations of the Senate and the Committees on Armed Services, Foreign Affairs and Appropriations of the House of Representatives: Provided further, 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.

AFGHANISTAN SECURITY FORCES FUND

For the “Afghanistan Security Forces Fund”, $11,619,283,000, to remain available until September 30, 2012: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision

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of law, for the purpose of allowing the Commander, Com-
bined Security Transition Command—Afghanistan, or the
Secretary’s designee, to provide assistance, with the con-
currence of the Secretary of State, to the security forces
of Afghanistan, including the provision of equipment, sup-
plies, services, training, facility and infrastructure repair,
renovation, and construction, and funding: Provided fur-
ther, That the authority to provide assistance under this
heading is in addition to any other authority to provide
assistance to foreign nations: Provided further, That up
to $15,000,000 of these funds may be available for coal-
tion police trainer life support costs: Provided further,
That contributions of funds for the purposes provided
herein from any person, foreign government, or inter-
national organization may be credited to this Fund and
used for such purposes: Provided further, That the Sec-
cretary of Defense shall notify the congressional defense
committees in writing upon the receipt and upon the obli-
gation of any contribution, delineating the sources and
amounts of the funds received and the specific use of such
contributions: Provided further, That the Secretary of De-
fense shall, not fewer than 15 days prior to obligating
from this appropriation account, notify the congressional
defense committees in writing of the details of any such
obligation: Provided further, That the Secretary of Defense
shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of $20,000,000: Provided further, 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.

IRAQ SECURITY FORCES FUND

For the “Iraq Security Forces Fund”, $1,500,000,000, to remain available until September 30, 2012: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, United States Forces-Iraq, or the Secretary’s designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, and renovation: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That contributions of funds for the purposes provided herein from any person,
foreign government, or international organization may be credited to this Fund and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: Provided further, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of $20,000,000: Provided further, 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

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for “Aircraft Procurement, Army”, $2,720,138,000, to remain available until Sep-
tember 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.

MISSILE PROCUREMENT, ARMY

For an additional amount for “Missile Procurement, Army”, $343,828,000, 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 OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for “Procurement of Weapons and Tracked Combat Vehicles, Army”, $896,996,000, 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 OF AMMUNITION, ARMY

For an additional amount for “Procurement of Ammunition, Army”, $369,885,000, 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.

OTHER PROCUREMENT, ARMY

For an additional amount for “Other Procurement, Army”, $6,423,832,000, 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, NAVY

For an additional amount for “Aircraft Procurement, Navy”, $1,269,549,000, 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.

WEAPONS PROCUREMENT, NAVY

For an additional amount for “Weapons Procurement, Navy”, $90,502,000, 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 OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for “Procurement of Ammunition, Navy and Marine Corps”, $558,024,000, 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.

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

2 **AIRCRAFT PROCUREMENT, AIR FORCE**

3 For an additional amount for “Aircraft Procurement, Air Force”, $1,991,955,000, 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.

4 **MISSILE PROCUREMENT, AIR FORCE**

5 For an additional amount for “Missile Procurement, Air Force”, $56,621,000, 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.

6 **PROCUREMENT OF AMMUNITION, AIR FORCE**

7 For an additional amount for “Procurement of Ammunition, Air Force”, $292,959,000, 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.

**Other Procurement, Air Force**

For an additional amount for “Other Procurement, Air Force”, $2,868,593,000, 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, Defense-Wide**

For an additional amount for “Procurement, Defense-Wide”, $1,262,499,000, 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
For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons and other procurement for the reserve components of the Armed Forces, $850,000,000, to remain available for obligation until September 30, 2013, of which $250,000,000 shall be available only for the Army National Guard: Provided, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: Provided further, 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.

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

For the Mine Resistant Ambush Protected Vehicle Fund, $3,415,000,000, to remain available until Sep-
Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: Provided further, That the Secretary shall transfer such funds only to appropriations made available in this or any other Act for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That such transferred funds shall be merged with and be available for the same purposes and the same time period as the appropriation to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary shall, not fewer than 10 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, 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

For an additional amount for "Research, Development, Test and Evaluation, Army", $143,234,000, 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,

NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $104,781,000, 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 Con-
gess), 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.
Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for “Defense Working Capital Funds”, $485,384,000: 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.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for “Defense Health Program”, $1,422,092,000, of which $1,398,092,000 shall be for operation and maintenance, to remain available until September 30, 2011, and of which $24,000,000 shall be for research, development, test and evaluation, 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.  

**DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE**  

For an additional amount for “Drug Interdiction and Counter-Drug Activities, Defense”, $440,510,000, 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.  

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

For the “Joint Improvised Explosive Device Defeat Fund”, $2,793,768,000, to remain available until September 30, 2013: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of impro-
vised explosive devices: *Provided further,* That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further,* That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further,* That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further,* 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.

**Office of the Inspector General**

For an additional amount for the “Office of the Inspector General”, $10,529,000: *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
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-
priations available for operation and maintenance or the
“Afghanistan Security Forces Fund” provided in this Act
and executed in direct support of overseas contingency op-
erations in Afghanistan, may be obligated at the time a
construction contract is awarded: Provided, That for the
purpose of this section, supervision and administration
costs include all in-house Government costs.

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

Sec. 9005. Not to exceed $500,000,000 of the
amount appropriated in this title under the heading “Op-
eration and Maintenance, Army” may be used, notwith-
standing any other provision of law, to fund the Com-
mander’s Emergency Response Program (CERP), for the
purpose of enabling military commanders in Iraq and Af-
ghanistan to respond to urgent, small scale, humanitarian
relief and reconstruction requirements within their areas
of responsibility: Provided, That projects (including any
ancillary or related elements in connection with such project) executed under this authority shall not exceed $20,000,000: Provided further, That not later than 45 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein: Provided further, That, not later than 30 days after the end of each month, the Army shall submit to the congressional defense committees monthly commitment, obligation, and expenditure data for the Commander’s Emergency Response Program in Iraq and Afghanistan: Provided further, That not less than 15 days before making funds available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein for a project with a total anticipated cost for completion of $5,000,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing each of the following:

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

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

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

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

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

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

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

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

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

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

(2) Section 2242 of the Foreign Affairs Reform
and Restructuring Act of 1998 (division G of Public
note) and regulations prescribed thereto, including
regulations under part 208 of title 8, Code of Fed-
eral Regulations, and part 95 of title 22, Code of Federal Regulations.

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

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

(b) The report required by this subsection shall include the following:

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

(2) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in subsection (a) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates for the accounts referred to in subsection (a) of the costs to complete each project.

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

Sec. 9010. Funds made available in this title to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: Provided, That, upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.
Sec. 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
SEC. 9013. (a) Not more than 85 percent of the funds provided in this title for Operation and Maintenance may be available for obligation or expenditure until the date on which the Secretary of Defense submits the report under subsection (b).

(b) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on contractor employees in the United States Central Command, including—

(1) the number of employees of a contractor awarded a contract by the Department of Defense (including subcontractor employees) who are employed at the time of the report in the area of operations of the United States Central Command, including a list of the number of such employees in each of Iraq, Afghanistan, and all other areas of operations of the United States Central Command; and

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

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

“Operation and Maintenance, Army” for additional activities to carry out projects under paragraph (a).
such period in each of Iraq, Afghanistan, and
all other areas of operations of the United
States Central Command; and

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

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

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

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

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

“Sec. 298. Notwithstanding section 101, amounts are provided for ‘Agricultural Programs—National Institute of Food and Agriculture—Integrated Activities’ at a rate for operations of $24,874,000: Provided, That the amounts included under such heading in Public Law 111–80 shall be applied to funds appropriated by this Act as follows: by substituting ‘$15,044,000’ for ‘$45,148,000’; by substituting ‘$10,948,000’ for ‘$12,649,000’; by substituting ‘$0’ for ‘$14,596,000’; by substituting ‘$0’ for ‘$4,388,000’; by substituting ‘$0’ for ‘$1,365,000’; by substituting ‘$0’ for ‘$3,054,000’; by substituting ‘$5,000,000’; by substituting ‘$0’ for ‘$3,000,000’; by substituting ‘$0’ for ‘$732,000’; and by substituting ‘$0’ for ‘$1,312,000’.

“Sec. 299. Notwithstanding sections 101 and 231, amounts are provided for ‘Agricultural Programs—Animal and Plant Health Inspection Service—Salaries and Expenses’ at a rate for operations of $832,543,000: Provided, That the amounts included under such heading in Public Law 111–80 shall be applied to funds appropriated
by this Act by substituting ‘$45,219,000’ for ‘$60,243,000’.

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

“SEC. 301. Notwithstanding section 101, amounts are provided for ‘Conservation Programs—Natural Resources Conservation Service—Watershed Rehabilitation Program’ at a rate for operations of $25,161,000.

“SEC. 302. Notwithstanding section 101, amounts are provided for ‘Conservation Programs—Natural Resources Conservation Service—Resource Conservation and Development’ at a rate for operations of $24,730,000.

“SEC. 303. Notwithstanding section 101, amounts are provided for ‘Rural Development Programs—Rural Development Salaries and Expenses’ at a rate for operations of $186,987,000.

“SEC. 304. Notwithstanding section 101, amounts are provided for ‘Rural Development Programs—Rural Housing Service—Rental Assistance Program’ at a rate for operations of $956,570,000: Provided, That this section shall not apply to the amounts made available by section 101 for the liquidation of debts under such account.
“Sec. 305. Notwithstanding section 101, in connection with the ‘Rural Development Programs—Rural Business-Cooperative Service—Rural Economic Development Loans Program Account’, of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936, $102,463,000 shall not be obligated and $102,463,000 is rescinded.

“Sec. 306. Notwithstanding section 101, amounts are provided for ‘Rural Development Programs—Rural Utilities Service—Rural Water and Waste Disposal Program Account’ at a rate for operations of $551,230,000: Provided, That the amounts included under such heading in Public Law 111–80 shall be applied to funds appropriated by this Act by substituting ‘$0’ for ‘$17,500,000’.

“Sec. 307. Notwithstanding section 101, amounts are provided for ‘Domestic Food Programs—Food and Nutrition Service—Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)’ at a rate for operations of $7,052,000,000.

“Sec. 308. Notwithstanding section 101, amounts are provided for ‘Foreign Assistance and Related Programs—Foreign Agricultural Service—Food for Peace Title II Grants’ at a rate for operations of $1,455,000,000.
“Sec. 309. Notwithstanding section 101, amounts are provided for ‘Foreign Assistance and Related Programs—Foreign Agricultural Service—McGovern-Dole International Food for Education and Child Nutrition Program Grants’ at a rate for operations of $199,500,000: Provided, That the first proviso under such heading in Public Law 111–80 shall not apply to funds appropriated by this Act.

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

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

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

“Sec. 313. Notwithstanding sections 101 and 117, amounts are provided for ‘Department of Commerce—Bureau of the Census—Periodic Censuses and Programs’ at a rate for operations of $942,315,000.

“Sec. 314. Notwithstanding sections 101 and 240, amounts are provided for ‘Department of Commerce—N-
tional Institute of Standards and Technology—Construction of Research Facilities’ at a rate for operations of $80,000,000: Provided, That the set-aside for a competitive construction grant program under such heading in division B of Public Law 111–117 shall not apply to funds appropriated by this Act.

"SEC. 315. Notwithstanding section 101, amounts are provided for ‘Department of Justice—General Administration—National Drug Intelligence Center’ at a rate for operations of $34,023,000.

"SEC. 316. Notwithstanding section 101, amounts are provided for ‘Department of Justice—General Administration—Tactical Law Enforcement Wireless Communications’ at a rate for operations of $136,143,000.

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

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

"SEC. 319. Notwithstanding section 101, amounts are provided for ‘Department of Justice—Bureau of Alco-
hol, Tobacco, Firearms and Explosives—Construction’ at a rate for operations of $0.

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

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

“SEC. 322. Notwithstanding section 101, amounts are provided for ‘National Aeronautics and Space Administration—Construction and Environmental Compliance and Remediation’ at a rate for operations of $408,300,000: Provided, That such rate shall not apply to amounts made available by section 101 from lease proceeds under such account: Provided further, That the first proviso under such heading in division B of Public Law 111–117 shall not apply to funds appropriated by this Act.

“SEC. 323. Of the unobligated balances of funds made available in prior appropriation Acts for ‘Corps of Engineers-Civil—Construction’, $100,000,000 is rescinded: Provided, That no amounts in this section may
be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

“Sec. 324. Notwithstanding sections 101 and 172, amounts are provided for ‘Corps of Engineers-Civil—Mississippi River and Tributaries’ at a rate for operations of $240,000,000: Provided, That the proviso under such heading in Public Law 111–85 shall not apply to funds appropriated by this Act: Provided further, That of the unobligated balances of funds made available in prior appropriation Acts for ‘Corps of Engineers-Civil—Mississippi River and Tributaries’ or ‘Corps of Engineers-Civil—Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee’, $22,000,000 is rescinded: Provided further, That such rescission shall be derived by cancelling unobligated balances for the Yazoo Basin, Backwater Pump, Mississippi project: Provided further, That no amounts in this section may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.
“Sec. 325. Of the unobligated balances of funds made available in prior appropriation Acts for ‘Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy’, $11,243,000 is rescinded: Provided, That no amounts in this section may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

“Sec. 326. Of the unobligated balances of funds made available in prior appropriation Acts for ‘Department of Energy—Energy Programs—Electricity Delivery and Energy Reliability’, $2,400,000 is rescinded: Provided, That no amounts in this section may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

“Sec. 327. Of the unobligated balances of funds made available in prior appropriation Acts for ‘Department of Energy—Energy Programs—Nuclear Energy’, $6,300,000 is rescinded: Provided, That no amounts in this section may be rescinded from amounts that were designated by Congress as an emergency requirement pursu-
ant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

"Sec. 328. Of the unobligated balances of funds made available in prior appropriation Acts for ‘Department of Energy—Energy Programs—Fossil Energy Research and Development’, $30,600,000 is rescinded: Provided, That no amounts in this section may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

"Sec. 329. Of the unobligated balances of funds made available in prior appropriation Acts for ‘Department of Energy—Energy Programs—Naval Petroleum and Oil Shale Reserves’, $2,100,000 is rescinded: Provided, That no amounts in this section may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

"Sec. 330. Notwithstanding section 101, amounts are provided for ‘Department of Energy—Energy Programs—Strategic Petroleum Reserve’ at a rate for operations of $209,414,000: Provided, That of the unobligated balances of funds made available under such heading in
Public Law 110–161, $14,493,000 is rescinded, to be derived from amounts made available for new site land acquisition activities: Provided further, That of the unobligated balances of funds made available under such heading in Public Law 110–329, $31,507,000 is rescinded, to be derived from amounts made available for new site expansion activities, beyond land acquisition: Provided further, That of the unobligated balances of funds made available under such heading in Public Law 111–85, $25,000,000 is rescinded: Provided further, That of the unobligated balances of funds made available under such heading in prior appropriation Acts, in addition to the other amounts rescinded in this section, $15,300,000 is rescinded: Provided further, That no amounts in this section may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

“Sec. 331. Of the unobligated balances of funds made available in prior appropriation Acts for ‘Department of Energy—Energy Programs—Clean Coal Technology’, $18,000,000 is rescinded: Provided, That no amounts in this section may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the
budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

“Sec. 332. Of the unobligated balances of funds made available in prior appropriation Acts for ‘Department of Energy—Energy Programs—Energy Information Administration’, $400,000 is rescinded: Provided, That no amounts in this section may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

“Sec. 333. Notwithstanding section 101, amounts are provided for ‘Department of Energy—Energy Programs—Non-Defense Environmental Cleanup’ at a rate for operations of $225,000,000.

“Sec. 334. Notwithstanding section 101, amounts are provided for ‘Department of Energy—Energy Programs—Uranium Enrichment Decontamination and Decommissioning Fund’ at a rate for operations of $514,000,000: Provided, That of the unobligated balances of funds made available under such heading in prior appropriation Acts, $10,000,000 is rescinded: Provided further, That no amounts in this section may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolu-
tion on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

“Sec. 335. Of the unobligated balances of funds made available in prior appropriation Acts for ‘Department of Energy—Energy Programs—Science’, $7,200,000 is rescinded: Provided, That no amounts in this section may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

“Sec. 336. Notwithstanding section 101, amounts are provided for ‘Department of Energy—Energy Programs—Advanced Technology Vehicles Manufacturing Loan Program’ at a rate for operations of $9,998,000.

“Sec. 337. Of the unobligated balances of funds made available in prior appropriation Acts for ‘Department of Energy—Energy Programs—Departmental Administration’, $11,900,000 is rescinded: Provided, That no amounts in this section may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

“Sec. 338. Of the unobligated balances of funds made available in prior appropriation Acts for ‘Depart-
section of Energy—Atomic Energy Defense Activities—National Nuclear Security Administration—Naval Reactors’, $1,200,000 is rescinded: Provided, That no amounts in this section may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

“Sec. 339. Notwithstanding sections 101 and 182, amounts are provided for ‘Department of Energy—Atomic Energy Defense Activities—National Nuclear Security Administration—Office of the Administrator’ at a rate for operations of $399,793,000: Provided, That the last provision under such heading in Public Law 111–85 shall not apply to funds appropriated by this Act: Provided further, That of the unobligated balances of funds made available under such heading in prior appropriation Acts, $4,400,000 is rescinded: Provided further, That no amounts in this section may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

“Sec. 340. Notwithstanding sections 101 and 183, amounts are provided for ‘Department of Energy—Environmental and Other Defense Activities—Defense Environ-
Environmental Cleanup' at a rate for operations of $5,096,000,000, of which $33,700,000 shall be transferred to the ‘Uranium Enrichment Decontamination and Decommissioning Fund': Provided, That the proviso under such heading in Public Law 111–85 shall not apply to funds appropriated by this Act: Provided further, That of the unobligated balances of funds made available under such heading in prior appropriation Acts, $11,900,000 is rescinded: Provided further, That no amounts in this section may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

“Sec. 341. Notwithstanding sections 101 and 184, amounts are provided for ‘Department of Energy—Environmental and Other Defense Activities—Other Defense Activities’ at a rate for operations of $823,000,000: Provided, That the proviso under such heading in Public Law 111–85 shall not apply to funds appropriated by this Act: Provided further, That of the unobligated balances of funds made available under such heading in prior appropriation Acts, $3,400,000 is rescinded: Provided further, That no amounts in this section may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on
the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

“Sec. 342. Notwithstanding section 101, amounts are provided for ‘Denali Commission’ at a rate for operations of $10,700,000: Provided, That of the unobligated balances of funds made available under such heading in prior appropriation Acts, $15,000,000 is rescinded: Provided further, That no amounts in this section may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

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

“Sec. 344. Of the unobligated balances available under the heading ‘Department of the Treasury—Treasury Forfeiture Fund’, $400,000,000 is rescinded.

“Sec. 345. Notwithstanding section 101, amounts are provided for ‘Department of the Treasury—Financial
Management Service—Salaries and Expenses’ at a rate for operations of $232,838,000.

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

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

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

“Sec. 349. Notwithstanding section 101, amounts are provided for ‘Executive Office of the President and Funds Appropriated to the President—Office of Manage-
ment and Budget—Salaries and Expenses’ at a rate for
operations of $92,500,000.

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

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

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

“Sec. 353. Notwithstanding section 101, amounts
are provided for ‘The Judiciary—Supreme Court of the
United States—Care of the Building and Grounds’ at a rate for operations of $8,175,000.

“Sec. 354. Notwithstanding section 101, amounts are provided for ‘The Judiciary—Courts of Appeals, District Courts, and Other Judicial Services—Fees of Jurors and Commissioners’ at a rate for operations of $52,410,000.

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

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

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

“Sec. 358. Notwithstanding section 101, amounts are provided for ‘District of Columbia—Federal Funds—Federal Payment for Youth Services’ at a rate for operations of $0.
“Sec. 359. Section 814 of division C of Public Law 111–117 shall be applied to funds appropriated by this Act by striking ‘Federal’.

“Sec. 360. Notwithstanding section 101, amounts are provided for ‘Election Assistance Commission—Salaries and Expenses’ at a rate for operations of $16,800,000, of which $3,250,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002 (Public Law 107–252).

“Sec. 361. Notwithstanding sections 101 and 253, the aggregate amount of new obligational authority provided under the heading ‘General Services Administration—Real Property Activities—Federal Buildings Fund—Limitations on Availability of Revenue’ for Federal buildings and courthouses and other purposes of the Fund shall be available at a rate for operations of $7,504,272,000, of which: (1) $0 is for ‘Construction and Acquisition’; and (2) $284,000,000 is for ‘Repairs and Alterations’ for Special Emphasis Programs and Basic Repairs and Alterations.

“Sec. 362. Notwithstanding section 101, amounts are provided for ‘General Services Administration—Federal Citizen Services Fund’ at a rate for operations of $34,689,000.
“Sec. 363. Notwithstanding section 101, amounts are provided for ‘General Services Administration—Electronic Government Fund’ at a rate for operations of $17,000,000.

“Sec. 364. Notwithstanding section 101, amounts are provided for ‘National Archives and Records Administration—Electronic Records Archives’ at a rate for operations of $72,000,000, of which $52,500,000 shall remain available until September 30, 2013.

“Sec. 365. Notwithstanding section 101, amounts are provided for ‘National Archives and Records Administration—National Historical Publications and Records Commission—Grants Program’ at a rate for operations of $6,000,000.

“Sec. 366. The amounts included under the heading ‘Office of Personnel Management—Salaries and Expenses’ in division C of Public Law 111–117 shall be applied to funds appropriated by this Act by substituting ‘$101,270,000’ for ‘$102,970,000’ and by substituting ‘$111,038,000’ for ‘$112,738,000’.

“Sec. 367. Notwithstanding section 156 of this Act and section 503 of Public Law 111–83, amounts made available by this Act for the Department of Homeland Security shall be available for reprogramming or transfer between and within appropriations to the extent necessary
to address emergent circumstances, to meet critical operational requirements, to avoid furloughs or reduction in force, or to provide funding for critical programs and activities required by law: Provided, That such reprogrammings or transfers may not result in the termination or initiation of a program, project, or activity: Provided further, That the Committees on Appropriations of the Senate and the House of Representatives shall be notified 15 days in advance of such reprogramming or transfer of funds.

"SEC. 368. Notwithstanding sections 101 and 186, amounts are provided for ‘Department of Homeland Security—Office of the Under Secretary for Management’ at a rate for operations of $239,933,000.

"SEC. 369. Notwithstanding section 101, amounts are provided for ‘Department of Homeland Security—Office of the Chief Financial Officer’ at a rate for operations of $53,530,000.

"SEC. 370. Notwithstanding section 101, amounts are provided for ‘Department of Homeland Security—Office of the Federal Coordinator for Gulf Coast Rebuilding’ at a rate for operations of $0.

"SEC. 371. Notwithstanding section 101, amounts are provided for ‘Department of Homeland Security—U.S. Customs and Border Protection—Automation Mod-
ernization' at a rate for operations of $341,575,000, of which $153,090,000 shall be for the Automated Commercial Environment.


“SEC. 374. Notwithstanding section 101, amounts are provided for ‘Department of Homeland Security—U.S. Immigration and Customs Enforcement—Automation Modernization’ at a rate for operations of $75,000,000.

“SEC. 375. Notwithstanding section 101, amounts are provided for ‘Department of Homeland Security—U.S. Immigration and Customs Enforcement—Construction’ at a rate for operations of $0.

“SEC. 376. Notwithstanding section 101, amounts are provided for ‘Department of Homeland Security—Transportation Security Administration—Surface Trans-
portation Security’ at a rate for operations of $105,961,000.

“Sec. 377. Notwithstanding section 101, amounts are provided for ‘Department of Homeland Security—Transportation Security Administration—Transportation Threat Assessment and Credentialing’ at a rate for operations of $162,999,000.

“Sec. 378. Notwithstanding sections 101 and 193, amounts are provided for ‘Department of Homeland Security—National Protection and Programs Directorate—Infrastructure Protection and Information Security’ at a rate for operations of $859,000,000.

“Sec. 379. Notwithstanding section 101, amounts are provided for ‘Department of Homeland Security—National Protection and Programs Directorate—United States Visitor and Immigrant Status Indicator Technology’ at a rate for operations of $334,613,000.

“Sec. 380. Notwithstanding sections 101 and 195, amounts are provided for ‘Department of Homeland Security—Federal Emergency Management Agency—State and Local Programs’ at a rate for operations of $2,417,500,000: Provided, That of the amount provided by this Act for the State Homeland Security Grant Program under such heading, $50,000,000 shall be for the Driver’s License Security Grant Program and
$10,000,000 shall be for the Citizen Corps Program: *Provided further,* That the amounts provided by this Act for the Citizen Corps Program under such heading shall not be subject to the requirements of subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 603 et seq.): *Provided further,* That the amounts included under such heading in Public Law 111–83 shall be applied to funds appropriated by this Act as follows: in paragraph (1), by substituting ‘$788,000,000’ for ‘$950,000,000’; in paragraph (2), by substituting ‘$788,000,000’ for ‘$887,000,000’; in paragraph (3), by substituting ‘$17,500,000’ for ‘$35,000,000’; in paragraph (4), by substituting ‘$35,000,000’ for ‘$41,000,000’; in paragraph (5), by substituting ‘$0’ for ‘$13,000,000’; in paragraph (6), by substituting ‘$260,000,000’ for ‘$300,000,000’; in paragraph (7), by substituting ‘$260,000,000’ for ‘$300,000,000’; in paragraph (8), by substituting ‘$5,000,000’ for ‘$12,000,000’; in paragraph (9), by substituting ‘$0’ for ‘$50,000,000’; in paragraph (10), by substituting ‘$0’ for ‘$50,000,000’; in paragraph (11), by substituting ‘$0’ for ‘$50,000,000’; in paragraph (12), by substituting ‘$20,000,000’ for ‘$60,000,000’ and by substituting ‘$0’ for each subsequent amount in such paragraph; and in paragraph (13), by substituting ‘$244,000,000’ for ‘$267,200,000’: *Provided further,* That
the directed obligation provisions in paragraphs 13(A), 13(B), and 13(C) under such heading in Public Law 111–83 shall not apply to funds appropriated by this Act: Provided further, That 5.5 percent of the amount provided for ‘Federal Emergency Management Agency—State and Local Programs’ by this Act shall be transferred to the ‘Federal Emergency Management Agency—Management and Administration’ account for program administration.

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

“Sec. 382. Notwithstanding sections 101 and 196, amounts are provided for ‘Department of Homeland Security—Federal Emergency Management Agency—National Predisaster Mitigation Fund’ at a rate for operations of $60,000,000: Provided, That the directed obligation provision under such heading in Public Law 111–83 shall not apply to funds appropriated by this Act.


“Sec. 385. Notwithstanding sections 101 and 197, amounts are provided for ‘Department of Homeland Security—Science and Technology—Research, Development, Acquisition, and Operations’ at a rate for operations of $690,000,000.

“Sec. 386. Of the funds transferred to the Department of Homeland Security when it was created in 2003, the following amounts are rescinded from the following accounts and programs:

“(1) ‘Operations’, $1,692,000.

“Sec. 387. Of the unobligated balances made available to the Department of Homeland Security pursuant to section 505 of Public Law 111–83, the following amounts are rescinded from the following accounts:

“(1) ‘Office of the Secretary and Executive Management’, $1,437,015.
“(2) ‘Office of the Under Secretary for Management’, $821,104.

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

“(4) ‘U.S. Immigration and Customs Enforcement—Salaries and Expenses’, $8,500,000.


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

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


“Sec. 388. Of the unobligated balances available for the following accounts of the Department of Homeland Security, the following amounts are rescinded:

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


“(4) ‘Science and Technology—Research, Development, Acquisition, and Operations’, $6,500,000.


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

“Sec. 389. Of the unobligated balances made available under section 44945 of title 49, United States Code, $800,000 is rescinded.

“Sec. 390. Of the unobligated balances available for accounts under the heading ‘Department of Homeland Security—Transportation Security Administration’, $15,000,000 is rescinded (in addition to amounts otherwise rescinded by this Act): Provided, That the Transpor-
The Department of Homeland Security shall not rescind any unobligated balances from the following programs: explosives detection systems; checkpoint support; aviation regulation and other enforcement; and air cargo.

"SEC. 391. Of the unobligated balances available for ‘Department of Homeland Security—National Protection and Programs Directorate—Infrastructure Protection and Information Security’, the following amounts are rescinded:

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

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

"SEC. 392. Of the unobligated balances available in the Department of the Treasury Forfeiture Fund established by section 9703 of title 31, United States Code, as added by section 638 of Public Law 102–393, $22,600,000 is rescinded."
“Sec. 393. Notwithstanding sections 101 and 258, amounts are provided for ‘Department of the Interior—Bureau of Land Management—Management of Lands and Resources’ at a rate for operations of $927,523,000: Provided, That the amounts included under such heading in division A of Public Law 111–88 shall be applied to funds appropriated by this Act by substituting ‘$927,523,000’ for ‘$959,571,000’ the second place it appears.

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

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

“Sec. 396. Notwithstanding sections 101 and 261, amounts are provided for ‘Department of the Interior—United States Fish and Wildlife Service—Resource Management’ at a rate for operations of $1,235,052,000: Provided, That the amounts included under such heading in division A of Public Law 111–88 shall be applied to funds
appropriated by this Act as follows: by substituting ‘$20,945,000’ for ‘$22,103,000’; and by substituting ‘$10,474,000’ for ‘$11,632,000’.

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

“SEC. 398. Notwithstanding sections 101 and 263, amounts are provided for ‘Department of the Interior—United States Fish and Wildlife Service—Land Acquisition’ at a rate for operations of $57,471,000.

“SEC. 399. Of the unobligated amounts available for ‘Department of the Interior—United States Fish and Wildlife Service—Landowner Incentive Program’ from prior year appropriations, all remaining amounts are rescinded.

“SEC. 400. Notwithstanding section 101, amounts are provided for ‘Department of the Interior—United States Fish and Wildlife Service—Cooperative Endangered Species Conservation Fund’ at a rate for operations of $63,831,000: Provided, That the amounts included under such heading in division A of Public Law 111–88 shall be applied to funds appropriated by this Act as follows: by substituting ‘$24,835,000’ for ‘$29,000,000’; by
substituting ‘$4,987,297’ for ‘$5,145,706’; and by substituting ‘$38,996,000’ for ‘$56,000,000’.

“Sec. 401. Notwithstanding section 101, amounts are provided for ‘Department of the Interior—United States Fish and Wildlife Service—North American Wetlands Conservation Fund’ at a rate for operations of $40,000,000.

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

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

“Sec. 404. Notwithstanding section 101, amounts are provided for ‘Department of the Interior—United States Fish and Wildlife Service—State and Tribal Wildlife Grants’ at a rate for operations of $80,000,000.

“Sec. 405. Notwithstanding section 101, amounts are provided for ‘Department of the Interior—National Park Service—Park Partnership Project Grants’ at a rate for operations of $0: Provided, That all of the provisos
under such heading in division A of Public Law 111–88 shall not apply to funds appropriated by this Act.

“Sec. 407. Notwithstanding sections 101 and 267, amounts are provided for ‘Department of the Interior—National Park Service—Land Acquisition and State Assistance’ at a rate for operations of $90,846,000: Provided, That the amounts included under such heading in division A of Public Law 111–88 shall be applied to funds appropriated by this Act as follows: by substituting ‘$31,000,000’ for ‘$40,000,000’; and by substituting ‘$6,000,000’ for ‘$9,000,000’.

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

“Sec. 409. Notwithstanding sections 101 and 268, amounts are provided for ‘Department of the Interior—United States Geological Survey—Surveys, Investigations, and Research’ at a rate for operations of $1,076,355,000: Provided, That the amounts included under such heading
in division A of Public Law 111–88 shall be applied to funds appropriated by this Act by substituting ‘$53,500,000’ for ‘$40,150,000’.

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

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

“SEC. 412. Notwithstanding section 101, amounts are provided for ‘Department of the Interior—Departmental Offices—Office of the Secretary—Salaries and Expenses’ at a rate for operations of $117,336,000.

“SEC. 413. Notwithstanding sections 101 and 270, amounts are provided for ‘Department of the Interior—Departmental Offices—Insular Affairs—Assistance to Territories’ at a rate for operations of $78,670,000: Provided, That the amounts included under such heading in division A of Public Law 111–88 shall be applied to funds appropriated by this Act by substituting ‘$9,080,000’ for ‘$9,280,000’.
“Sec. 414. Notwithstanding section 101, amounts are provided for ‘Department of the Interior—Departmental Offices—Insular Affairs—Compact of Free Association’ at a rate for operations of $5,422,000, of which $2,104,000 is for section 122 of division A of Public Law 111–88.

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

“Sec. 416. Notwithstanding sections 101 and 271, amounts are provided for ‘Environmental Protection Agency—Science and Technology’ at a rate for operations of $826,370,000, of which $0 shall be for the purposes
specified in ‘Research/National Priorities’ under the heading ‘Science and Technology’ in the joint explanatory statement of the managers accompanying Public Law 111–88 and $51,297,000 shall be for ‘Homeland Security’ under the heading ‘Science and Technology’ in the table of detailed funding recommendations contained at the end of such joint explanatory statement.

“Sec. 417. Notwithstanding sections 101 and 272, amounts are provided for ‘Environmental Protection Agency—Environmental Programs and Management’ at a rate for operations of $2,779,851,000: Provided, That of the amounts provided by this Act for such account, $0 shall be for cap and trade technical assistance and $0 shall be for the program specified in ‘Environmental Protection/National Priorities’ under the heading ‘Environmental Programs and Management’ in the joint explanatory statement of the managers accompanying Public Law 111–88: Provided further, That of the amounts provided by this Act for such account, amounts are provided for the Geographic Programs specified in such joint explanatory statement at a rate for operations of $424,875,000: Provided further, That of such amount for Geographic Programs, $300,000,000 shall be for the Great Lakes Restoration Initiative: Provided further, That of the amounts provided by this Act for such account,
$15,142,000 shall be for ‘Homeland Security’ under the heading ‘Environmental Programs and Management’ in the table of detailed funding recommendations contained at the end of such joint explanatory statement.

“SEC. 418. Notwithstanding section 101, amounts are provided for ‘Environmental Protection Agency—Hazardous Substance Superfund’ at a rate for operations of $1,293,475,000: Provided, That the amounts included under such heading in division A of Public Law 111–88 shall be applied to funds appropriated by this Act as follows: by substituting ‘$1,293,475,000’ for ‘$1,306,541,000’ in the second place it appears; and by substituting ‘September 30, 2010’ for ‘September 30, 2009’: Provided further, That of the amounts provided by this Act for such account, $43,468,000 shall be for ‘Homeland Security’ under the heading ‘Hazardous Substance Superfund’ in the table of detailed funding recommendations contained at the end of the joint explanatory statement of the managers accompanying Public Law 111–88.

“SEC. 419. Notwithstanding sections 101 and 274, amounts are provided for ‘Environmental Protection Agency—State and Tribal Assistance Grants’ at a rate for operations of $4,077,946,000: Provided, That the amounts included under such heading in division A of
Public Law 111–88 shall be applied to funds appropriated by this Act as follows: by substituting ‘$1,700,000,000’ for ‘$2,100,000,000’; by substituting ‘$1,087,000,000’ for ‘$1,387,000,000’; by substituting ‘$14,500,000’ for ‘$17,000,000’; by substituting ‘$10,000,000’ for ‘$13,000,000’; by substituting ‘$0’ for ‘$156,777,000’; by substituting ‘$0’ for ‘$20,000,000’; and by substituting ‘$1,106,446,000’ for ‘$1,116,446,000’.

“Sec. 420. Notwithstanding section 101, the amounts authorized to transfer under the heading ‘Environmental Protection Agency—Administrative Provisions, Environmental Protection Agency’ in division A of Public Law 111–88 shall be applied to funds appropriated by this Act by substituting ‘$300,000,000’ for ‘$475,000,000’.

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

“Sec. 422. Notwithstanding sections 101 and 277, amounts are provided for ‘Department of Agriculture—Forest Service—State and Private Forestry’ at a rate for operations of $272,797,000: Provided, That the amounts included under such heading in division A of Public Law 111–88 shall be applied to funds appropriated by this Act by substituting ‘$52,317,000’ for ‘$76,460,000’.
“Sec. 423. Notwithstanding sections 101 and 278, amounts are provided for ‘Department of Agriculture—Forest Service—National Forest System’ at a rate for operations of $1,534,089,000.

“Sec. 424. Notwithstanding sections 101 and 279, amounts are provided for ‘Department of Agriculture—Forest Service—Capital Improvement and Maintenance’ at a rate for operations of $499,618,000: Provided, That the amounts included under such heading in division A of Public Law 111–88 shall be applied to funds appropriated by this Act by substituting ‘$50,731,000’ for ‘$90,000,000’.

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

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

“Sec. 427. Notwithstanding section 101, amounts are provided for ‘National Gallery of Art—Repair, Res-
toration and Renovation of Buildings’ at a rate for operations of $48,221,000: Provided, That the amounts included under such heading in division A of Public Law 111–88 shall be applied to funds appropriated by this Act by substituting ‘$42,250,000’ for ‘$40,000,000’.

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

“Sec. 429. Notwithstanding section 101, amounts are provided for ‘John F. Kennedy Center for the Performing Arts—Capital Repair and Restoration’ at a rate for operations of $13,920,000.

“Sec. 430. Notwithstanding section 101, amounts are provided for ‘Commission of Fine Arts—National Capital Arts and Cultural Affairs’ at a rate for operations of $0.

“Sec. 431. Notwithstanding sections 101, 200, and 283, amounts are provided for ‘Department of Labor—Employment and Training Administration—Training and Employment Services’ at a rate for operations of $3,636,148,000, of which $196,661,000 shall be for national activities described in paragraph (3) under such
heading in division D of Public Law 111–117: Provided,
That the amounts included for national activities under
such heading in division D of Public Law 111–117 shall
be applied to funds appropriated by this Act as follows:
by substituting ‘$44,561,000’ for ‘$93,450,000’, by sub-
stituting ‘$0’ for ‘48,889,000’, by substituting
‘$90,000,000’ for ‘$108,493,000’, by substituting ‘$0’ for
‘$125,000,000’, and by substituting ‘$0’ for
‘$65,000,000’.

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

“Sec. 433. Notwithstanding sections 101, 203, and
285, amounts are provided for ‘Department of Health and
Human Services—Health Resources and Services Admin-
istration—Health Resources and Services’ at a rate for
operations of $6,982,520,000: Provided, That the eight-
teenth, nineteenth, twenty-second, and twenty-fifth pro-
visos under such heading in division D of Public Law 111–
117 shall not apply to funds appropriated by this Act.
“Sec. 434. Notwithstanding sections 101 and 204, amounts are provided for ‘Department of Health and Human Services—Centers for Disease Control and Prevention—Disease Control, Research, and Training’ at a rate for operations of $6,044,273,000, of which $750,000,000 shall be derived from funds transferred, pursuant to section 4002(c) of Public Law 111–148, from amounts appropriated by section 4002(b) of such Public Law. Provided, That for purposes of this section, section 4002(c) of Public Law 111–148 shall be applied as if ‘, over the fiscal year 2008 level,’ were stricken from such section: Provided further, That the amount included before the first proviso under such heading in division D of Public Law 111–117 shall be applied to funds appropriated by this Act by substituting ‘0’ for ‘$20,620,000’.

“Sec. 435. Notwithstanding section 101, amounts are provided for ‘Department of Health and Human Services—Administration for Children and Families—Low Income Home Energy Assistance’ at a rate for operations of $4,709,672,000, of which $200,000,000 shall be for payments under section 2602(e) of the Low Income Home Energy Assistance Act of 1981.

“Sec. 436. Notwithstanding sections 101 and 208, amounts are provided for ‘Department of Health and Human Services—Administration for Children and Fami-
lies—Children and Families Services Programs’ at a rate for operations of $9,269,747,000: Provided, That the fifteenth proviso under such heading in division D of Public Law 111–117 shall not apply to funds appropriated by this Act.

“Sec. 437. Notwithstanding sections 101 and 286, in addition to amounts otherwise made available by section 130, amounts are provided for ‘Department of Health and Human Services—Office of the Secretary—Public Health and Social Services Emergency Fund’ at a rate for operations of $546,109,000, of which $65,578,000 shall be for expenses necessary to prepare for and respond to an influenza pandemic (none of which shall be available past September 30, 2011), $35,000,000 shall be for expenses necessary for fit-out and other costs related to a competitive lease procurement to renovate or replace the existing headquarters building for Public Health Service agencies and other components of the Department of Health and Human Services, and $235,000,000 shall be for Hospital Preparedness Cooperative Agreement Grants.

“Sec. 438. Of the unobligated balances available for ‘Department of Education—Education for the Disadvantaged’ in division D of Public Law 111–117, $186,500,000 is rescinded, to be derived from the
amounts specified under such heading for availability under section 1502 of the ESEA.

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

“Sec. 440. Notwithstanding sections 101 and 213, amounts are provided for ‘Department of Education—Innovation and Improvement’ at a rate for operations of $1,019,353,000, of which no funds shall be available for activities authorized under section 2151(c) of the ESEA, section 1504 of the ESEA, or part F of title VIII of the Higher Education Act of 1965, and $477,047,000 shall be for part D of title V of the ESEA: Provided, That the first, second, third, fourth, fifth, seventeenth, and eighteenth provisos under such heading in division D of Public
Law 111–117 shall not apply to funds appropriated by this Act.

“Sec. 441. Notwithstanding sections 101 and 214, amounts are provided for ‘Department of Education—Safe Schools and Citizenship Education’ at a rate for operations of $341,053,000, of which, notwithstanding section 2343(b) of the ESEA, $2,578,000 is for the continuation costs of awards made on a competitive basis under section 2345 of the ESEA and $207,053,000 shall be for subpart 2 of part A of title IV of the ESEA: Provided, That the first and third provisos under such heading in division D of Public Law 111–117 shall not apply to funds appropriated by this Act.

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

“Sec. 443. Notwithstanding section 101, amounts are provided for ‘Department of Education—Special Institutions for Persons with Disabilities—National Technical Institute for the Deaf’ at a rate for operations of $65,677,000, of which $240,000 shall be available for construction.
“Sec. 444. Notwithstanding sections 101 and 217, amounts are provided for ‘Department of Education—Career, Technical, and Adult Education’ at a rate for operations of $1,897,541,000, of which $1,106,541,000 shall become available on July 1, 2011, and remain available through September 30, 2012 and no funds shall be available for activities authorized under subpart 4 of part D of title V of the ESEA: Provided, That the first, second, third, seventh, and eighth provisos under such heading in division D of Public Law 111–117 shall not apply to funds appropriated by this Act.

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

"Sec. 446. Notwithstanding section 101, amounts
are provided for ‘Railroad Retirement Board—Dual Bene-
fits Payments Account’ at a rate for operations of
$57,000,000.

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

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

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

"Sec. 450. Of the funds made available for ‘Military
Construction, Army’ in title I of division E of Public Law
111–117, $160,000,000 is rescinded.
“Sec. 451. Of the funds made available for ‘Military Construction, Navy and Marine Corps’ in title I of division E of Public Law 111–117, $34,000,000 is rescinded.

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

“Sec. 453. Of the unobligated balances available for ‘Department of Defense Base Closure Account 2005’ from prior appropriations (other than appropriations designated by law as being for contingency operations directly related to the global war on terrorism or as an emergency requirement), $200,000,000 is rescinded.

“Sec. 454. Notwithstanding section 101, amounts are provided for ‘Department of Veterans Affairs—Departmental Administration—Information Technology Systems’ at a rate for operations of $3,146,898,000: Provided, That of the funds made available under such heading in division E of Public Law 111–117, $147,000,000 is rescinded.

“Sec. 455. Notwithstanding section 101, amounts are provided for ‘Department of Veterans Affairs—Departmental Administration—Construction, Major Projects’ at a rate for operations of $1,151,036,000.

“Sec. 456. Notwithstanding sections 101 and 137, amounts are provided for ‘International Security Assist-
Funds Appropriated to the President—Foreign Military Financing Program’ at a rate for operations of $5,385,000,000, of which not less than $3,000,000,000 shall be available for grants only for Israel, $1,300,000,000 shall be available for grants only for Egypt, and not less than $300,000,000 shall be available for assistance for Jordan: Provided, That, for purposes of this Act, the dollar amount in the first paragraph of the fourth proviso under such heading in title IV of division F of Public Law 111–117 shall be deemed to be $789,000,000.

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

“Sec. 458. Notwithstanding section 101, amounts are provided for ‘United States Agency for International Development—Funds Appropriated to the President—Civilian Stabilization Initiative’ at a rate for operations of $10,000,000.

“Sec. 459. Notwithstanding section 101, amounts are provided for ‘Department of State—Administration of Foreign Affairs—Educational and Cultural Exchange Programs’ at a rate for operations of $625,000,000.
“Sec. 460. Notwithstanding section 101, amounts are provided for the following accounts at a rate for operations of $0: ‘Department of State—Administration of Foreign Affairs—Buying Power Maintenance Account’ and ‘Multilateral Assistance—Funds Appropriated to the President—Contribution to the Asian Development Fund’.

“Sec. 461. Notwithstanding section 101, amounts are provided for ‘Department of State—International Organizations—Contributions to International Organizations’ at a rate for operations of $1,545,000,000.

“Sec. 462. Notwithstanding section 101, amounts are provided for ‘Department of State—International Organizations—Contributions for International Peacekeeping Activities’ at a rate for operations of $2,095,000,000.

“Sec. 463. Notwithstanding section 101, amounts are provided for ‘Related Programs—United States Institute of Peace’ at a rate for operations of $42,676,000.

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

“Sec. 465. Notwithstanding section 101, amounts are provided for ‘Bilateral Economic Assistance—Funds Appropriated to the President—Assistance for Europe,
Eurasia and Central Asia’ at a rate for operations of $716,354,000.

“SEC. 466. Notwithstanding section 101, amounts are provided for ‘Bilateral Economic Assistance—Independent Agencies—Millennium Challenge Corporation’ at a rate for operations of $900,000,000.

“SEC. 467. Notwithstanding section 101, amounts are provided for ‘International Security Assistance—Department of State—Nonproliferation, Anti-terrorism, Demining and Related Programs’ at a rate for operations of $740,000,000.

“SEC. 468. Notwithstanding section 101, amounts are provided for ‘International Security Assistance—Department of State—Peacekeeping Operations’ at a rate for operations of $305,000,000.

“SEC. 469. Notwithstanding section 101, amounts are provided for ‘Multilateral Assistance—Funds Appropriated to the President—International Organizations and Programs’ at a rate for operations of $350,550,000.

“SEC. 470. Notwithstanding section 101, amounts are provided for ‘Multilateral Assistance—Funds Appropriated to the President—International Financial Institutions—Contribution to the International Development Association’ at a rate for operations of $1,235,000,000.
“Sec. 471. Notwithstanding section 101, amounts are provided for ‘Multilateral Assistance—Funds Appropriated to the President—International Financial Institutions—Contribution to the Clean Technology Fund’ at a rate for operations of $250,000,000.

“Sec. 472. Notwithstanding section 101, amounts are provided for ‘Multilateral Assistance—Funds Appropriated to the President—International Financial Institutions—Contribution to the African Development Fund’ at a rate for operations of $125,000,000.

“Sec. 473. (a) Of the unobligated balances available from funds appropriated under the heading ‘Export and Investment Assistance—Export-Import Bank of the United States—Subsidy Appropriation’ in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8) and under such heading in prior acts making appropriations for the Department of State, foreign operations, and related programs, $150,000,000 is rescinded.

“(b) Of the unobligated balances from funds appropriated or otherwise made available for the Buying Power Maintenance Account, $15,000,000 is rescinded.

“(c) Of the unobligated balances available for the Development Assistance account, as identified by Treasury
Appropriation Fund Symbols 7206/111021, $1,000,000 is rescinded.

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

“(e) Of the unobligated balances available for the International Narcotics Control and Law Enforcement account, as identified by Treasury Appropriation Fund Symbols 11X1022, 1106/121022, and 191105/111022, $7,183,000 is rescinded.

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

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

“SEC. 476. Notwithstanding section 101, amounts are provided for ‘Department of Transportation—Federal Aviation Administration—Research, Engineering, and Development’ at a rate for operations of $187,000,000.
“Sec. 477. Notwithstanding section 101, amounts are provided for ‘Department of Transportation—Federal Railroad Administration—Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service’ at a rate for operations of $1,000,000,000.

“Sec. 478. Notwithstanding section 101, amounts are provided for ‘Department of Transportation—Federal Railroad Administration—Railroad Research and Development’ at a rate for operations of $35,100,000.

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

“Sec. 480. Notwithstanding section 101, amounts are provided for ‘Department of Transportation—Federal Transit Administration—Research and University Research Centers’ at a rate for operations of $64,200,000.

“Sec. 481. Notwithstanding section 101, amounts are provided for ‘Department of Housing and Urban Development—Public and Indian Housing—Public Housing Operating Fund’ at a rate for operations of $4,626,000,000.

“Sec. 482. Notwithstanding sections 101 and 226, amounts are provided for ‘Department of Housing and Urban Development—Community Planning and Develop-
ment—Community Development Fund’ at a rate for operations of $4,230,068,480, of which $0 shall be for grants for the Economic Development Initiative (EDI), $0 shall be for neighborhood initiatives, and $0 shall be for grants specified in the last proviso of the last paragraph under such heading in title II of division A of Public Law 111–117: Provided, That the second and third paragraphs under such heading in title II of division A of Public Law 111–117 shall not apply to funds appropriated by this Act.”.

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

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

Passed the House of Representatives April 7, 2011.

Attest: KAREN L. HAAS,

Clerk.
AN ACT

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

APRIL 7, 2011 (Legislative Day, April 5, 2011)