

bill S. 23, supra; which was ordered to lie on the table.

SA 149. Mr. INOUE submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table.

SA 150. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table.

SA 151. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 23, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 146. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:
SEC. ____ . CLARIFICATION OF APPLICABILITY OF TRANSITIONAL PROGRAM FOR COVERED BUSINESS-METHOD PATENTS.

Notwithstanding any other provision of this Act, the regulations issued pursuant to section 18(b)(1) (relating to the transitional program for covered business-method patents), shall not apply to any covered business-method patent issued before the date of enactment of this Act.

SA 147. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:
SEC. ____ . CLARIFICATION OF APPLICABILITY OF TRANSITIONAL PROGRAM FOR COVERED BUSINESS-METHOD PATENTS.

Notwithstanding any other provision of this Act, the regulations issued pursuant to section 18(b)(1) (relating to the transitional program for covered business-method patents), shall not apply to any patent that—

(1) has already completed an ex parte or inter partes reexamination by the United States Patent and Trademark Office as of the date of enactment of this Act; or

(2) has already been the subject of a jury verdict of validity or invalidity as of the date of enactment of this Act.

SA 148. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:
SEC. ____ . CLARIFICATION OF APPLICABILITY OF TRANSITIONAL PROGRAM FOR COVERED BUSINESS-METHOD PATENTS.

Notwithstanding any other provision of this Act, the regulations issued pursuant to section 18(b)(1) (relating to the transitional program for covered business-method patents), shall not apply to any patent that—

(1) has already completed an ex parte or inter partes reexamination by the United States Patent and Trademark Office as of the date of enactment of this Act;

(2) has already been the subject of a jury verdict of validity or invalidity as of the date of enactment of this Act; or

(3) is the subject of a lawsuit alleging infringement of a patent that is pending as of the date of enactment of this Act.

SA 149. Mr. INOUE submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert:

SECTION 1. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2011

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

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

- Title I—General Provisions
- Title II—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies
- Title III—Commerce, Justice, Science, and Related Agencies
- Title IV—Energy and Water Development and Related Agencies
- Title V—Financial Services and General Government
- Title VI—Homeland Security
- Title VII—Interior, Environment, and Related Agencies
- Title VIII—Labor, Health and Human Services, and Education, and Related Agencies
- Title IX—Legislative Branch
- Title X—Military Construction, Veterans Affairs, and Related Agencies
- Title XI—Department of State, Foreign Operations, and Related Programs
- Title VII—Transportation, and Housing and Urban Development, and Related Agencies

SEC. 2. REFERENCES.

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

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 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 functions 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 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$27,105,755,000.

RESERVE PERSONNEL, ARMY

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.

RESERVE PERSONNEL, NAVY

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 authorized 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 National 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 payments 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 National 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 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 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 authorized by law; and not to exceed \$12,478,000 can be used for emergencies and extraordinary expenses, to be expended 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 author-

ized by law; and not to exceed \$14,804,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military 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 expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate 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 agencies 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.

OPERATION AND MAINTENANCE, MARINE CORPS
RESERVE

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.

OPERATION AND MAINTENANCE, AIR FORCE
RESERVE

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.

OPERATION AND MAINTENANCE, ARMY
NATIONAL GUARD

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

OPERATION AND MAINTENANCE, AIR NATIONAL
GUARD

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

moval 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 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.

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 sections 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 Department 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 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, \$1,461,086,000, to remain available for obligation until September 30, 2013.

PROCUREMENT OF AMMUNITION, ARMY

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, \$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 Government 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, 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, \$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 weapons, 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 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, \$3,221,957,000, to remain available for obligation until September 30, 2013.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

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, \$790,527,000, to remain available 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 Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including 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 congressional defense committees that each such obligation is necessary to meet the needs of a warfighting requirement or prevents increased costs to the taxpayer, and provides 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 Recapitalization program requirements.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling 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 purposes 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 therefor, 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.

OPERATIONAL TEST AND EVALUATION,
DEFENSE

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 procurement may waive the restrictions in the first proviso 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.

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 chemical 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 not less than \$111,178,000, shall be for the Chemical Stockpile Emergency 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 procurement, 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 evaluation, of which \$385,868,000 shall only be for the Assembled 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 personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, \$1,156,957,000: *Provided*, 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 nec-

essary 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 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 subdivisions of appropriations for purposes of section 8005 of this Act: *Provided*, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense 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 both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(3) an identification of items of special congressional 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 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 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution 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 includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement 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 production of unfunded units to be delivered under the contract;

(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:

Navy MH-60R/S Helicopter Systems.

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 efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity 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 organization's personnel-related costs for performance of that activity or function by Federal employees; or

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

(3) the contractor does not receive an advantage 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 premium 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, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list 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 performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 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-Protégé Program may be transferred

to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protégé 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 authority of this provision or any other transfer authority contained in this Act: *Provided*, That subsection (j) of section 831 of the National Defense Authorization Act for Fiscal Year 1991 is amended by striking "September 30, 2010" and inserting "September 30, 2011", and by striking "September 30, 2013" and inserting "September 30, 2014".

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 in 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 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 relocation is required in the best interest of the Government.

SEC. 8020. In addition to the funds provided elsewhere in this Act, \$15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, 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 contractor for the purposes of being allowed additional compensation 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 Appropriations 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 acquisition 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 subcontractor 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 administered 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 Federal 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. 8029. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

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 acquiring 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 September 30, 2012: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence 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 Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2012.

SEC. 8034. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8035. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, 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 information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands 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, complies 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 person 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, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department 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 biometric 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:

"Procurement of Weapons and Tracked Combat Vehicles, Army, 2009/2011", \$86,300,000.

"Other Procurement, Army, 2009/2011", \$147,600,000.

"Aircraft Procurement, Navy, 2009/2011", \$26,100,000.

"Aircraft Procurement, Air Force, 2009/2011", \$116,900,000.

"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.

"Procurement of Ammunition, Navy and Marine Corps, 2010/2012", \$11,576,000.

Under the heading, "Shipbuilding and Conversion, Navy, 2010/2014": DDG-51 Destroyer, \$22,000,000.

"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.

"Research, Development, Test and Evaluation, Army, 2010/2011", \$53,500,000.

"Research, Development, Test and Evaluation, Air Force, 2010/2011", \$198,600,000.

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

SEC. 8041. None of the funds available in this Act may be used to reduce the authorized positions for military (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 availability 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 obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101-510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section 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 permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, 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 involving 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 subsection (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 (c), 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 training 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 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 or there exists a significant cost or quality difference.

SEC. 8060. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official 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 non-governmental 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 nation's laws, regulations and procedures: *Provided further*, That funds made available under this provision for production of missiles and missile components may be transferred 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 further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

SEC. 8073. None of the funds available to the Department 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 else-

where 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 requirements during the non-hurricane season.

SEC. 8081. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign 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 implemented through Executive Order No. 12333.

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

(b) The Secretary of Defense may waive the requirements 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 appropriation to any available Navy ship construction 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, notwithstanding 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 Instruction 7000.14, Volume 12, Chapter 23 "Contingency Operations", Annex 1, dated September 2005.

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

(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 purposes and time period as the appropriation to which transferred: *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 operation and maintenance may be available for the purpose of making remittances to the Defense Acquisition Workforce Development Fund in accordance with the requirements 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 agency that it shall serve the national interest.

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

(1) the public posting of the report compromises 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).

(c) 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 Congress, and simultaneously make public, any determination under this subsection not less than 15 business days before the contract or subcontract addressed in the determination may be awarded.

(e) By March 1, 2011, or within 60 days after enactment of this Act, whichever is later, the Government Accountability 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 appropriated by this Act or otherwise available to the Department of Defense may be used to begin or announce the competition to award to a contractor or convert to performance by a contractor any functions performed by Federal 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 contractor 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 Transformation 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", "Air-craft 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, notify 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 Program in this Act, up to \$132,200,000, shall be available for transfer to the Joint Department of Defense-Department 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 operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans 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 operation and maintenance for the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Defense to the Committees on Appropriations of the House of Representatives 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(c) 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(c) 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 Education shall give priority consideration to those military installations with schools having the most serious capacity or facility condition deficiencies as determined by the Secretary of Defense.

SEC. 8110. In addition to amounts provided elsewhere in this Act, there is appropriated \$300,000,000, for an additional amount for "Operation and Maintenance, Defense-Wide", to remain available until expended. Such funds may be available for the Office of Economic Adjustment, 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 Appropriations Act, 2009 (Public Law

111-32; 124 Stat. 1871) is amended by striking "1 year" both places it appears and inserting "2 years".

SEC. 8112. The Office of the Director of National Intelligence shall not employ more Senior Executive employees than are specified in the classified annex: *Provided*, 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-Wide" for energy security pilot projects under subsection (a).

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 division, to reflect savings from revised economic assumptions, the total amount appropriated in title II of this division is hereby reduced by \$469,000,000, the total amount appropriated in title III of this division is hereby reduced by \$497,000,000, and the total amount appropriated in title IV of this division is hereby reduced by \$336,000,000: *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 division 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 division for such pay reduced by \$723,000,000.

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

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.

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.

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.

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.

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 oper-

ations 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.

OPERATION AND MAINTENANCE, MARINE CORPS

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.

OPERATION AND MAINTENANCE, AIR FORCE

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.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

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 Combatant 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 conclusive 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(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 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.

OPERATION AND MAINTENANCE, AIR FORCE
RESERVE

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.

OPERATION AND MAINTENANCE, ARMY
NATIONAL GUARD

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

OPERATION AND MAINTENANCE, AIR NATIONAL
GUARD

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

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 infrastructure 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: *Provided 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: *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: *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: *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: *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: *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: *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 of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *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 up to \$15,000,000 of these funds may be available for coalition police trainer life support costs: *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 of Defense 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.

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 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.

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

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", \$1,991,955,000, to remain available until 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.

MISSILE PROCUREMENT, AIR FORCE

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.

PROCUREMENT OF AMMUNITION, AIR FORCE

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

NATIONAL GUARD AND RESERVE EQUIPMENT

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 September 30, 2012: *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

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

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 Congress), 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: *Pro-*

vided, 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 improvised 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 ter-

rorism 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.

GENERAL PROVISIONS—THIS TITLE

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 9002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to \$4,000,000,000 between the appropriations or funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in the Department of Defense Appropriations Act, 2011.

SEC. 9003. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance or the "Afghanistan Security Forces Fund" provided in this Act and executed in direct support of overseas contingency operations 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 applicable 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 "Operation and Maintenance, Army" may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program (CERP), for the purpose of enabling military commanders in Iraq and Afghanistan 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 intended 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 completion 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 contributor to finance the sustainment of the activities and maintenance of any equipment or facilities to be provided through the proposed project.

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, 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 otherwise made available by this or any other Act shall be obligated 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 Afghanistan.

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 Law 105-277; 112 Stat. 2681-822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal 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 estimates 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.

(INCLUDING TRANSFER OF FUNDS)

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

SEC. 9012. (a) The Task Force for Business and Stability Operations in Afghanistan may, subject to the direction and control of the Secretary of Defense and with the concurrence of the Secretary of State, carry out projects in fiscal year 2011 to assist the commander of the United States Central Command in developing a link between United States military operations in Afghanistan 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 "Operation and Maintenance, Army" for additional activities to carry out projects under paragraph (a).

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 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 personnel in such locations.

SEC. 9014. From funds made available in this title to the Department of Defense for operation and maintenance, 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 activities in Iraq by undertaking facilities renovation and construction 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 section, the Secretary shall submit to the congressional defense committees a written notice containing a detailed justification and timeline for each proposed site and the source of funds.

This division may be cited as the "Department of Defense Appropriations Act, 2011".

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

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2011, and for other purposes, namely:

TITLE I

GENERAL PROVISIONS

SEC. 1101. (a) Such amounts as may be necessary, at the level specified in subsection (c) and under the authority and conditions provided in applicable appropriations Acts for fiscal year 2010, for projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111-80).

(2) The Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85).

(3) The Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83) and section 601 of the Supplemental Appropriations Act, 2010 (Public Law 111-212).

(4) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (division A of Public Law 111-88).

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

(6) The Consolidated Appropriations Act, 2010 (Public Law 111-117).

(7) Section 102(c) (except the last proviso relating to waiver of fees) of chapter 1 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111-212) that addresses guaranteed loans in the rural housing insurance fund.

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

(c) The level referred to in subsection (a) shall be the amounts appropriated in the appropriations Acts referred to in such subsection, including transfers and obligation limitations, except that—

(1) such level shall not include any amount previously designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010; and

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

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

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

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

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

SEC. 1106. Unless otherwise provided for in this division or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this division shall be available through September 30, 2011.

SEC. 1107. Expenditures made pursuant to the Continuing Appropriations Act, 2011 (Public Law 111-242), shall be charged to the applicable appropriation, fund, or authorization provided by this division.

SEC. 1108. Funds appropriated by this division may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 1109. (a) With respect to any discretionary account for which advance appropriations were provided for fiscal year 2011 or 2012 in an appropriations Act for fiscal year 2010, in addition to amounts otherwise made available by this Act, advance appropriations are provided in the same amount for fiscal year 2012 or 2013, respectively, with a comparable period of availability.

(b) In addition to amounts provided by subsection (a), an additional amount is provided for the following accounts in the amounts specified:

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

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

(c) Notwithstanding subsection (a), amounts are provided for “Department of Veterans Affairs, Medical Facilities” in the amount of \$5,426,000,000, which shall become

available on October 1, 2011, and shall remain available until September 30, 2012.

SEC. 1110. Amounts incorporated by reference in this division that were previously designated as available for overseas deployments and other activities pursuant to S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, are 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).

SEC. 1111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2010, and for activities under the Food and Nutrition Act of 2008, the levels established by section 1101 shall be the amounts necessary to maintain program levels under current law and under the authority and conditions provided in the applicable appropriations Acts for fiscal year 2010.

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

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

(2) “Department of Health and Human Services, Centers for Medicare and Medicaid Services, Grants to States for Medicaid”, for payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act, \$86,445,289,000, to remain available until expended.

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

(4) “Department of Health and Human Services, Administration for Children and Families, Payments to States for Foster Care and Permanency”, for payments to States or other non-Federal entities under title IV-E of the Social Security Act, \$1,850,000,000.

(5) “Social Security Administration, Supplemental Security Income Program”, for benefit payments under title XVI of the Social Security Act, \$13,400,000,000, to remain available until expended.

SEC. 1112. Any language specifying an earmark in an appropriations Act for fiscal year 2010, or in a committee report or joint explanatory statement accompanying such an Act, shall have no legal effect with respect to funds appropriated by this division. For purposes of this section, the term “earmark” means a congressional earmark or congressionally directed spending item, as defined in clause 9(e) of rule XXI of the Rules of the House of Representatives and paragraph 5(a) of rule XLIV of the Standing Rules of the Senate.

SEC. 1113. (a) Up to \$2,650,000,000 of amounts made available by this division, shall be available for transfer by the head of the agency to the extent necessary to avoid furloughs or reductions in force, or to provide funding necessary for programs and activities required by law: *Provided*, That such transfers may not result in the termination of programs, projects or activities: *Provided further*, That such transfers shall be subject to the approval of the House and Senate Appropriations Committees.

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

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

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

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

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

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

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

TITLE II—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

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

SEC. 1202. Notwithstanding section 1101, the level for “Agricultural Programs, Departmental Administration” shall be \$29,706,000.

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

SEC. 1204. Notwithstanding section 1101, the level for “Agricultural Programs, Agricultural Research Service, Salaries and Expenses” shall be \$1,158,215,000.

SEC. 1205. Notwithstanding section 1101, the level for “Agricultural Programs, Agricultural Research Service, Buildings and Facilities” shall be \$0.

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

SEC. 1207. Notwithstanding section 1101, the level for “Agricultural Programs, National Institute of Food and Agriculture, Extension Activities” shall be \$487,801,000: *Provided*, That the amounts included under such

heading in Public Law 111-80 shall be applied to funds appropriated by this division as follows: by substituting "\$302,209,000" for "\$297,500,000" and by substituting "\$8,565,000" for "\$20,396,000".

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

SEC. 1209. Notwithstanding section 1101, the level for "Agricultural Programs, Animal and Plant Health Inspection Service, Salaries and Expenses" shall be \$885,000,000: *Provided*, That the amounts included under such heading in Public Law 111-80 shall be applied to funds appropriated by this division by substituting "\$45,219,000" for "\$60,243,000".

SEC. 1210. Notwithstanding section 1101, the level for "Agricultural Programs, Animal and Plant Health Inspection Service, Buildings and Facilities" shall be \$4,536,000.

SEC. 1211. The amounts included under the heading "Agricultural Programs, Agricultural Marketing Service, Funds for Strengthening Markets, Income, and Supply (Section 32)" in Public Law 111-80 shall be applied to funds appropriated by this division by substituting "\$0" for "\$10,000,000".

SEC. 1212. Notwithstanding section 1101, the level for "Agricultural Programs, Grain Inspection, Packers and Stockyards Administration, Salaries and Expenses" shall be \$42,353,000.

SEC. 1213. Notwithstanding section 1101, the level for "Agricultural Programs, Grain Inspection, Packers and Stockyards Administration, Limitation on Inspection and Weighing Services Expenses", \$50,000,000.

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

SEC. 1215. Notwithstanding section 1101, the level for "Agricultural Programs, Farm Service Agency, Salaries and Expenses" shall be \$1,230,000,000.

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

SEC. 1217. Notwithstanding section 1101, the level for "Agricultural Programs, Farm Service Agency, Grassroots Source Water Protection Program" shall be \$4,250,000.

SEC. 1218. The amounts included under the heading "Agricultural Programs, Farm Service Agency, Agricultural Credit Insurance Fund Program Account" in Public Law 111-80 shall be applied to funds appropriated by this division as follows: by substituting "\$1,975,000,000" for "\$2,150,000,000"; by substituting "\$475,000,000" for "\$650,000,000"; by substituting "\$2,594,035,000" for "\$2,670,000,000"; by substituting "\$950,000,000" for "\$1,000,000,000"; by substituting "\$144,035,000" for "\$170,000,000"; by substituting "\$0" for "\$150,000,000"; by substituting "\$0" for "\$75,000,000" the first and second place it appears; by substituting "\$38,570,000" for "\$32,070,000"; by substituting "\$32,870,000" for "\$26,520,000"; by substituting "\$5,700,000" for "\$5,550,000"; by substituting "\$112,410,000" for "\$106,402,000"; by substituting "\$34,950,000" for "\$35,100,000"; by substituting "\$19,920,000" for "\$23,902,000"; by substituting "\$57,540,000" for "\$47,400,000"; by substituting "\$0" for "\$1,343,000"; by substituting "\$0" for "\$1,065,000"; by substituting "\$0" for "\$278,000"; and by substituting "\$214,000" for "\$793,000". Funds appropriated by this division to such heading

for farm ownership and operating direct and guaranteed loans may be transferred among these programs: *Provided*, That the Secretary of Agriculture shall notify the Committees on Appropriations of the House of Representatives and the Senate at least 15 days in advance of any transfer.

SEC. 1219. Notwithstanding section 1101, the level for "Conservation Programs, Natural Resources Conservation Service, Conservation Operations" shall be \$850,247,000.

SEC. 1220. Notwithstanding section 1101, the level for "Conservation Programs, Natural Resources Conservation Service, Watershed and Flood Prevention Operations" shall be \$0.

SEC. 1221. Notwithstanding section 1101, the level for "Conservation Programs, Natural Resources Conservation Service, Watershed Rehabilitation Program" shall be \$0.

SEC. 1222. Notwithstanding section 1101, the level for "Conservation Programs, Natural Resources Conservation Service, Resource Conservation and Development" shall be \$25,000,000.

SEC. 1223. The amounts included under the heading "Rural Development Programs, Rural Housing Service, Rural Housing Insurance Fund Program Account" in Public Law 111-80 for gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949 shall be applied to funds appropriated by this division by substituting "\$25,121,488,000" for "\$13,121,488,000"; by substituting "\$24,000,000,000" for "\$12,000,000,000"; by substituting "\$23,360,000" for "\$34,412,000"; by substituting "\$15,325,000" for "\$129,090,000"; and by substituting "\$5,052,000" for "\$5,045,000".

SEC. 1224. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Housing Service, Rural Housing Insurance Fund Program Account" for the cost of direct and guaranteed loans, including the cost of modifying loans, authorized by section 502 of the Housing Act of 1949 shall be \$70,205,000: *Provided*, That the amounts included for such costs under such heading in Public Law 111-80 shall be applied to funds appropriated by this division by substituting "\$70,205,000" for "\$40,710,000" in the case of direct loans and by substituting "\$0" for "\$172,800,000" in the case of unsubsidized guaranteed loans.

SEC. 1225. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Housing Service, Rural Housing Insurance Fund Program Account," for the cost of repair, rehabilitation, and new construction of section 515 rental housing shall be \$23,446,000.

SEC. 1226. In addition to amounts otherwise appropriated or made available by this division, there is appropriated to the Secretary of Agriculture \$288,000 for section 523 self-help housing land development loans authorized by section 523 of the Housing Act of 1949 and \$294,000 for site development loans authorized by section 524 of such Act.

SEC. 1227. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Housing Service, Rural Housing Insurance Fund Program Account" for administrative expenses necessary to carry out the direct and guaranteed loan programs shall be \$458,313,000.

SEC. 1228. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Housing Service, Rental Assistance Program" shall be \$964,665,000: *Provided*, That the amounts included under such heading in Public Law 111-80 shall be applied to funds appropriated by this division by substituting "\$3,000,000" for "\$3,400,000".

SEC. 1229. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Housing Service, Multi-Family Hous-

ing Revitalization Program Account" shall be \$40,791,000: *Provided*, That the amounts included under such heading in Public Law 111-80 shall be applied to funds appropriated by this division by substituting "\$14,000,000" for "\$16,400,000".

SEC. 1230. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Housing Service, Mutual And Self-Help Housing Grants" shall be \$37,000,000.

SEC. 1231. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Housing Service, Rural Housing Assistance Grants" shall be \$40,400,000: *Provided*, That the amounts included under such heading in Public Law 111-80 shall be applied to funds appropriated by this division by substituting "\$0" for "\$4,000,000".

SEC. 1232. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Housing Service, Rural Community Facilities Program Account" shall be \$48,091,000: *Provided*, That the amounts included under such heading in Public Law 111-80 shall be applied to funds appropriated by this division by substituting "\$7,000,000" for "\$13,902,000".

SEC. 1233. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Business-Cooperative Service, Rural Business Program Account" shall be \$89,178,000.

SEC. 1234. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Business-Cooperative Service, Rural Development Loan Fund Program Account" for the principal amount of direct loans as authorized by the Rural Development Loan Fund shall be \$21,939,000.

SEC. 1235. Notwithstanding section 1101, of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936, \$44,463,000 shall not be obligated and \$44,463,000 are rescinded.

SEC. 1236. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Business-Cooperative Service, Rural Cooperative Development Grants" shall be \$34,554,000: *Provided*, That the amounts included under such heading in Public Law 111-80 shall be applied to funds appropriated by this division by substituting "\$0" for "\$300,000" and "\$2,800,000" shall have no legal effect.

SEC. 1237. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Business-Cooperative Service, Rural Microenterprise Investment Program Account" shall be \$0.

SEC. 1238. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Business-Cooperative Service, Rural Energy for America Program" shall be \$25,010,000.

SEC. 1239. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Utilities Service, Rural Water and Waste Disposal Program Account" shall be \$566,230,000: *Provided*, That the amounts under such heading in Public Law 111-80 shall be applied by substituting "\$15,000,000" for "\$17,500,000".

SEC. 1240. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Utilities Service, Rural Electrification and Telecommunications Loans Program Account" for the cost of guaranteed underwriting loans pursuant to section 313A shall be \$700,000.

SEC. 1241. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Utilities Service, Rural Electrification and Telecommunications Loans Program Account" for administrative expenses necessary to carry out the direct and guaranteed loan programs shall be \$38,374,000.

SEC. 1242. Notwithstanding section 1101, the level for "Rural Development Programs,

Rural Utilities Service, Distance Learning, Telemedicine, and Broadband Program” for the cost of grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq. shall be \$35,000,000.

SEC. 1243. Notwithstanding section 1101, the level for “Rural Development Programs, Rural Utilities Service, Distance Learning, Telemedicine, and Broadband Program” for the cost of broadband loans, as authorized by section 601 of the Rural Electrification Act shall be \$22,320,000.

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

SEC. 1245. Notwithstanding section 1101, the level for “Domestic Food Programs, Food and Nutrition Service, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)” shall be \$6,852,522,000: *Provided*, That the amounts included under such heading in Public Law 111–80 shall be applied to funds appropriated by this division by substituting “\$35,000,000” for “\$60,000,000”.

SEC. 1246. Notwithstanding section 1101, the level for “Domestic Food Programs, Food and Nutrition Service, Commodity Assistance Program”, shall be \$251,619,000: *Provided*, That the amounts included under such heading in Public Law 111–80 shall be applied to funds appropriated by this division by substituting “\$0” for “\$6,000,000”.

SEC. 1247. Notwithstanding section 1101, the level for “Domestic Food Programs, Food and Nutrition Service, Nutrition Programs Administration” shall be \$150,801,000.

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

SEC. 1249. Notwithstanding section 1101, the level for “Related Agencies and Food and Drug Administration, Food and Drug Administration, Salaries and Expenses” shall be \$3,707,611,000: *Provided*, That of the amount provided under this heading, \$667,057,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h, shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2012 but collected in fiscal year 2011; \$61,860,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; \$19,448,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; \$5,397,000 shall be derived from animal generic drug user fees authorized by 21 U.S.C. 379f, and shall be credited to this account and shall remain available until expended; and \$450,000,000 shall be derived from tobacco product user fees authorized by 21 U.S.C. 387s and shall be credited to this account and remain available until expended: *Provided further*, That in addition and notwithstanding any other provision under this heading, amounts collected for prescription drug user fees that exceed the fiscal year 2011 limitation are appropriated and shall be credited to this account and remain available until expended: *Provided further*, That fees derived from prescription drug, medical device, animal drug, animal generic drug, and tobacco

product assessments for fiscal year 2011 received during fiscal year 2011, including any such fees assessed prior to fiscal year 2011 but credited to fiscal year 2011, shall be subject to the fiscal year 2011 limitations: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated under this heading: (1) \$856,383,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) \$963,311,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) \$328,234,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) \$162,946,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) \$362,491,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) \$60,975,000 shall be for the National Center for Toxicological Research; (7) \$421,463,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) not to exceed \$141,724,000 shall be for Rent and Related activities, of which \$41,951,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (9) not to exceed \$185,983,000 shall be for payments to the General Services Administration for rent; and (10) \$224,101,000 shall be for other activities, including the Office of the Commissioner of Food and Drugs; the Office of Foods; the Office of the Chief Scientist; the Office of Policy, Planning and Budget; the Office of International Programs; the Office of Administration; and central services for these offices: *Provided further*, That none of the funds made available under this heading shall be used to transfer funds under section 770(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379dd): *Provided further*, That not to exceed \$25,000 of the amount provided under this heading shall be for official reception and representation expenses, not otherwise provided for, as determined by the Commissioner: *Provided further*, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That notwithstanding any other provision of this division, the following set-aside requirements included in Public Law 111–80 under “Food and Drug Administration, Salaries and Expenses” shall not apply: “\$5,509,000 shall be for the purposes, and in the amounts, specified in the eighth paragraph under ‘Food and Drug Administration, Salaries and Expenses’ in the statement of managers to accompany this Act”.

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

In addition, food and feed recall user fees, food reinspection user fees, and voluntary qualified importer program user fees authorized by section 743 of the Federal Food, Drug, and Cosmetic Act, as added by the FDA Food Safety Modernization Act, may be credited to this account in an amount not to exceed the amount determined under subsection (b) of such section 743, to remain available until expended.

SEC. 1250. Notwithstanding section 1101, the level for “Food and Drug Administration, Buildings and Facilities” shall be \$10,000,000.

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

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

(1) “Agricultural Programs, Agricultural Research Service, Salaries and Expenses”, \$44,138,000.

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

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

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

(5) “Conservation Programs, Natural Resources Conservation Service, Conservation Operations”, \$37,382,000.

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

(1) The first proviso under the heading “Agricultural Programs, Agriculture Buildings and Facilities and Rental Payments”.

(2) The second proviso under the heading “Departmental Administration”.

(3) The second proviso under the heading “Conservation Programs, Natural Resources Conservation Service, Conservation Operations”.

(4) The second proviso under the heading “Rural Development Programs, Rural Utilities Service, Rural Water and Waste Disposal Account”.

(5) The first proviso under the heading “Domestic Food Programs, Food and Nutrition Service, Commodity Assistance Program”.

(6) The first proviso under the heading “Foreign Assistance and Related Programs, Foreign Agricultural Service, McGovern-Dole International Food for Education and Child Nutrition Program Grants”.

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

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

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

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

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

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

SEC. 1260. In the case of each program established or amended by the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), other than by title I or subtitle A of title III of such Act, or programs for which

indefinite amounts were provided in that Act that is authorized or required to be carried out using funds of the Commodity Credit Corporation: (1) such funds shall be available for salaries and related administrative expenses, including technical assistance, associated with the implementation of the program, without regard to the limitation on the total amount of allotments and fund transfers contained in section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i); and (2) the use of such funds for such purpose shall not be considered to be a fund transfer or allotment for purposes of applying the limitation on the total amount of allotments and fund transfers contained in such section.

SEC. 1261. With respect to any loan or loan guarantee program administered by the Secretary of Agriculture that has a negative credit subsidy score for fiscal year 2011, the program level for the loan or loan guarantee program, for the purposes of the Federal Credit Reform Act of 1990, shall be the program level established pursuant to such Act for fiscal year 2010.

SEC. 1262. Section 721(1) of Public Law 111-80 (123 Stat. 2122) is amended by striking "\$1,180,000,000" and inserting "\$1,290,000,000".

SEC. 1263. Section 742 of Public Law 111-80 (123 Stat. 2128) is amended by striking "\$11,000,000" and inserting "\$15,000,000".

SEC. 1264. The following provisions of Public Law 111-80 shall be applied to funds appropriated by this division by substituting "2010", "2011", and "2012" for "2009", "2010", and "2011", respectively, in each instance that such terms appear:

(1) The second paragraph under the heading "Agricultural Programs, Animal and Plant Health Inspection Service, Salaries and Expenses".

(2) The second proviso under the heading "Agricultural Programs, Food Safety and Inspection Service".

(3) The first proviso in the second paragraph under the heading "Rural Development Programs, Rural Housing Service, Rural Housing Insurance Fund Program Account".

(4) The fifth proviso under the heading "Rural Development Programs, Rural Housing Service, Rental Assistance Program".

(5) The proviso under the heading "Rural Development Programs, Rural Housing Service, Mutual and Self-Help Housing Grants".

(6) The first proviso under the heading "Rural Development Programs, Rural Housing Service, Rural Housing Assistance Grants".

(7) The seventh proviso under the heading "Rural Development Programs, Rural Housing Service, Rural Community Facilities Program Account".

(8) The third proviso under the heading "Rural Development Programs, Rural Business—Cooperative Service, Rural Business Program Account".

(9) The four availability of funds clauses under the heading "Rural Development Programs, Rural Business—Cooperative Service, Rural Development Loan Fund Program Account".

(10) The fifth proviso under the heading "Rural Development Programs, Rural Utilities Service, Rural Water and Waste Disposal Program Account".

(11) The paragraph under the heading "Food Nutrition Service, Child Nutrition Programs".

(12) The third proviso under the heading "Food and Nutrition Service, Commodity Assistance Program".

(13) Sections 713, 717, and 732.

SEC. 1265. None of the funds appropriated or otherwise made available by this Act or any other Act shall be used to pay the salaries and expenses of personnel to carry out

the program authorized by section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012).

SEC. 1266. None of the funds appropriated or otherwise made available by this Act or any other Act shall be used to pay the salaries and expenses of personnel to carry out a program under subsection (b)(2)(A)(iii) of section 14222 of Public Law 110-246 in excess of \$1,098,000,000: *Provided*, That none of the funds made available in this Act or any other Act shall be used for salaries and expenses to carry out section 19(i)(1)(D) of the Richard B. Russell National School Lunch Act as amended by section 4304 of Public Law 110-246 in excess of \$33,000,000, including the transfer of funds under subsection (c) of section 14222 of Public Law 110-246, until October 1, 2011: *Provided further*, That \$117,000,000 made available on October 1, 2011, to carry out section 19(i)(1)(D) of the Richard B. Russell National School Lunch Act as amended by section 4304 of Public Law 110-246 shall be excluded from the limitation described in subsection (b)(2)(A)(iv) of section 14222 of Public Law 110-246.

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

SEC. 1268. The unobligated balances available for the wildlife habitat incentives program under section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb-1), as identified by Treasury Appropriation Fund Symbol 12X3322, are rescinded; for the program under the Water Bank Act (16 U.S.C. 1301 et seq.), as identified by Treasury Appropriation Fund Symbol 12X3320; and for the wetlands reserve program under section 1237 of the Food Security Act of 1985 (16 U.S.C. 3837), as identified by Treasury Appropriation Fund Symbol 12X1080, are rescinded.

SEC. 1269. The unobligated balances available for the Outreach for Socially Disadvantaged Farmers account, as identified by Treasury Appropriation Fund Symbol 12X0601, are rescinded; for the Rural Community Advancement Program, as identified by Treasury Appropriation Fund Symbol 12X0400, are rescinded; for the Payments to States program, as identified by Treasury Appropriation Fund symbol 12X2501, are rescinded; for the Common Computing Environment account, as identified by Treasury Appropriation Fund Symbol 12X0113, \$3,613,000 are rescinded; for the Office of the Secretary, as identified by Treasury Appropriation Fund Symbol 12X0115, are rescinded; for the Agricultural Credit Insurance Fund, as identified by Treasury Appropriation Fund Symbol 12X1140, \$6,935,000 are rescinded; for the Resource Conservation and Development program, as identified by Treasury Appropriation Fund Symbol 12X1010, \$3,125,000 are rescinded; for the Animal and Plant Health Inspection Service—Buildings and Facilities account, as identified by Treasury Appropriation Fund Symbol 12X1601, \$6,370,000 are rescinded. In addition, from prior year unobligated balances of Animal and Plant Health Inspection Service—Salaries and Expenses account, the following amounts are rescinded: Sudden Oak Death, \$295,000; Sirex Woodwasp, \$408,000; Avian Influenza, \$8,000,000; Information Technology Infrastructure, \$86,000; Screwworm, \$1,000,000; HUB Relocation, \$98,000; H1N1, \$5,000,000; and Contingency Funds, \$1,000,000.

SEC. 1270. The unobligated balances available for the Agricultural Research Service—Salaries and Expenses account, as identified by Treasury Appropriation Fund Symbol 12X1400, as provided through Public Law 109-

234 and Public Law 111-32, \$4,771,000 are hereby rescinded.

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

SEC. 1272. Of the unobligated balances available for Cooperative State Research, Education, and Extension Service, Buildings and Facilities, \$1,037,000 are rescinded.

SEC. 1273. 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 are rescinded.

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

SEC. 1301. Notwithstanding section 1101, the level for "Department of Commerce, International Trade Administration, Operations and Administration" shall be \$450,989,000.

SEC. 1302. Notwithstanding section 1101, the level for "Department of Commerce, Minority Business Development Agency, Minority Business Development" shall be \$30,400,000.

SEC. 1303. Notwithstanding section 1101, the level for "Department of Commerce, National Telecommunications and Information Administration, Salaries and Expenses" shall be \$40,649,000.

SEC. 1304. Notwithstanding section 1101, the level for "Department of Commerce, National Institute of Standards and Technology, Scientific and Technical Research and Services" shall be \$504,500,000.

SEC. 1305. Notwithstanding section 1101, the level for "Department of Commerce, National Institute of Standards and Technology, Industrial Technology Services" shall be \$169,600,000.

SEC. 1306. Notwithstanding section 1101, the level for "Department of Justice, General Administration, Justice Information Sharing Technology" shall be \$60,285,000.

SEC. 1307. Notwithstanding section 1101, the level for "Department of Justice, General Administration, Tactical Law Enforcement Wireless Communications" shall be \$110,000,000.

SEC. 1308. Notwithstanding section 1101, the level for "Department of Justice, Fees and Expenses of Witnesses" shall be \$270,000,000.

SEC. 1309. Notwithstanding section 1101, the level for "Department of Justice, General Administration, National Drug Intelligence Center" shall be \$34,023,000.

SEC. 1310. Notwithstanding section 1101, the level for "Department of Justice, United States Marshals Service, Construction" shall be \$16,625,000.

SEC. 1311. Notwithstanding section 1101, the level for "Department of Justice, Federal Bureau of Investigation, Construction" shall be \$107,310,000.

SEC. 1312. Notwithstanding section 1101, the level for "Department of Justice, Federal Prison System, Salaries and Expenses" shall be \$6,288,231,000.

SEC. 1313. Notwithstanding section 1101, the level for "Department of Justice, State and Local Law Enforcement Activities, Salaries and Expenses" shall be \$187,000,000.

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

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

SEC. 1316. Notwithstanding section 1101, the level for each of the following accounts shall be \$0: “Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Construction”; and “Department of Justice, Office of Justice Programs, Weed and Seed Program Fund”.

SEC. 1317. Notwithstanding any other provision of this division, the following set-asides included in division B of Public Law 111–117 for projects specified in the explanatory statement accompanying that Act in the following accounts for the corresponding amounts shall not apply to funds appropriated by this division: (1) “Department of Commerce, International Trade Administration, Operations and Administration”, \$5,215,000; (2) “Department of Commerce, Minority Business Development Agency, Minority Business Development”, \$1,100,000; and (3) “Department of Commerce, National Institute of Standards and Technology, Scientific and Technical Research and Services”, \$10,500,000 (4) “Department of Commerce, National Institute of Standards and Technology, Construction of Research Facilities”, \$47,000,000; (5) “Department of Commerce, National Oceanic and Atmospheric Administration, Operations, Research and Facilities”, \$99,295,000; (6) “Department of Commerce, National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction”, \$18,000,000; (7) “Department of Justice, Office of Justice Programs, State and Local Law Enforcement Assistance”, \$185,268,000; (8) “Department of Justice, Office of Justice Programs, Juvenile Justice Programs”, \$91,095,000; (9) “Department of Justice, Community Oriented Policing Services”, \$25,385,000; (10) “Department of Justice, Community Oriented Policing Services”, \$168,723,000; and (11) “National Aeronautics and Space Administration, Cross Agency Support”, \$63,000,000.

SEC. 1318. The Departments of Commerce and Justice, the National Aeronautics and Space Administration, and the National Science Foundation are directed to submit spending plans, signed by the respective department or agency head, to the House and Senate Committees on Appropriations within 60 days of enactment of this division.

SEC. 1319. Notwithstanding any other provision of this division, the set-aside included in division B of Public Law 111–117 under the heading “Department of Commerce, United States Patent and Trademark Office, Salaries and Expenses” in the last proviso shall not apply to funds appropriated by this division.

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

SEC. 1321. Notwithstanding section 1101, the level for “Department of Commerce, National Oceanic and Atmospheric Administration, Operations, Research, and Facilities” shall be \$3,190,883,000.

SEC. 1322. Notwithstanding section 1101, the level for “Department of Commerce, National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction” shall be \$1,335,353,000.

SEC. 1323. Notwithstanding section 1101, the level for “Department of Commerce, Departmental Management, Herbert C. Hoover Building Renovation and Modernization” shall be \$10,000,000.

SEC. 1324. Notwithstanding section 1101, the level for “Department of Commerce,

United States Patent and Trademark Office, Salaries and Expenses” shall be \$2,205,000,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2011, so as to result in a fiscal year 2011 appropriation from the general fund estimated at \$0: *Provided further*, That during fiscal year 2011, should the total amount of offsetting fee collections, and the surcharge provided herein, be less than \$2,205,000,000, this amount shall be reduced accordingly: *Provided further*, That any amount received in excess of \$2,205,000,000 in fiscal year 2011, in an amount up to \$200,000,000, shall remain available until expended: *Provided further*, That there shall be a surcharge of 15 percent, rounded by standard arithmetic rules, on fees charged or authorized by subsections (a), (b), and (d)(1) of section 41 of title 35, United States Code, as administered under Public Law 108–447 and this Act, and on fees charged or authorized by section 132(b), of title 35, United States Code: *Provided further*, That the surcharge established under the previous proviso shall be separate from, and in addition to, any other surcharge that may be required pursuant to any provision of title 35, United States Code: *Provided further*, That the surcharge established in the previous two provisions shall take effect on the date that is 10 days after the date of enactment of this Act, and shall remain in effect during fiscal year 2011: *Provided further*, That the receipts collected as a result of these surcharges shall be available, within the amounts provided herein, to the United States Patent and Trademark Office without fiscal year limitation, for all authorized activities and operations of the Office.

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

(b) Notwithstanding section 1101, the level for “Department of Justice, Office of Justice Programs, Juvenile Justice Programs” shall be \$312,500,000.

(c) Notwithstanding section 1101, the level for “Department of Justice, Community Oriented Policing Services” shall be \$557,500,000.

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

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

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

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

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

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

SEC. 1329. Notwithstanding section 1101, the level for “National Aeronautics and

Space Administration, Science” shall be \$4,819,000,000.

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

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

SEC. 1331. (a) Notwithstanding section 1101, the level for “National Aeronautics and Space Administration, Construction and Environmental Compliance and Remediation” shall be \$397,300,000.

(b) The provisos under the heading “National Aeronautics and Space Administration, Construction and Environmental Compliance and Remediation” in division B of Public Law 111–117 shall not apply to funds appropriated by this division.

SEC. 1332. Of the funds made available for “Department of Commerce, Bureau of the Census, Periodic Censuses and Programs” in division B of Public Law 111–117, \$1,740,000,000 are rescinded.

SEC. 1333. Of the unobligated balances available for “Emergency Steel, Oil, and Gas Guaranteed Loan Program Account”, \$48,000,000 are rescinded.

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

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

TITLE IV—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES

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

SEC. 1402. The proviso under the heading “Corps of Engineers—Civil, Department of the Army, Mississippi River and Tributaries” in the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated by this division.

SEC. 1403. The fifth proviso (regarding the San Gabriel Basin Restoration Fund), sixth proviso (regarding Power Program Services), seventh proviso (regarding the Milk River Project) and eighth proviso (regarding the Departmental Irrigation Drainage program) under the heading “Department of the Interior, Bureau of Reclamation, Water and Related Resources” in the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated by this division.

SEC. 1404. All of the provisos under the heading “Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy” in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated by this division.

SEC. 1405. All of the provisos under the heading “Department of Energy, Energy

Programs, Electricity Delivery and Energy Reliability” in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85) shall not apply to funds appropriated by this division.

SEC. 1406. The proviso under the heading “Department of Energy, Energy Programs, Nuclear Energy” in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85) shall not apply to funds appropriated by this division.

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

SEC. 1408. All of the provisos under the heading “Department of Energy, Energy Programs, Science” in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85) shall not apply to funds appropriated by this division.

SEC. 1409. All of the provisos under the heading “Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Weapons Activities” in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85) shall not apply to funds appropriated by this division.

SEC. 1410. The proviso under the heading “Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Defense Nuclear Non-proliferation” in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85) shall not apply to funds appropriated by this division.

SEC. 1411. All of the provisos under the heading “Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Office of the Administrator” in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85) shall not apply to funds appropriated by this division.

SEC. 1412. The proviso under the heading “Department of Energy, Atomic Energy Defense Activities, Environmental and Other Defense Activities, Defense Environmental Cleanup” in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85) shall not apply to funds appropriated by this division.

SEC. 1413. The proviso under the heading “Department of Energy, Atomic Energy Defense Activities, Environmental and Other Defense Activities, Other Defense Activities” in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85) shall not apply to funds appropriated by this division.

SEC. 1414. The fifth proviso under the heading “Department of Energy, Power Marketing Administrations, Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration” in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85) shall not apply to funds appropriated by this division.

SEC. 1415. Funds appropriated by this division shall not apply to sections 107, 206, 207, and 208 of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85).

SEC. 1416. Notwithstanding section 1105, no appropriation, funds, or authority made available pursuant to section 1101 for the De-

partment of Energy or Corps of Engineers, Civil, shall be used to initiate or resume any program, project, or activity or to initiate Requests for Proposals or similar arrangements (including Requests for Quotations, Requests for Information, and Funding Opportunity Announcements) for a program, project, or activity if the program, project, or activity has not been funded by Congress.

SEC. 1417. Notwithstanding section 1101, the level for “Independent Agencies, Appalachian Regional Commission” shall be \$68,000,000.

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

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

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

SEC. 1421. Notwithstanding section 1101, for the “Nuclear Regulatory Commission” necessary expenses in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed \$25,000), \$1,043,483,000, to remain available until expended: *Provided*, That of the amount appropriated herein, \$10,000,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$906,220,000 in fiscal year 2011 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2011 so as to result in a final fiscal year 2011 appropriation estimated at not more than \$137,263,000: *Provided further*, That of the amounts appropriated, \$10,000,000 is provided to support university research and development in areas relevant to their respective organization’s mission, and \$5,000,000 is to support a Nuclear Science and Engineering Grant Program that will support multiyear projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering.

SEC. 1422. Of the unobligated balances available for “Corps of Engineers—Civil, Department of the Army, Mississippi River and Tributaries”, \$22,000,000 are rescinded, to be derived by cancelling unobligated balances for the Yazoo Basin, Backwater Pump, Mississippi project.

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

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

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

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

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

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

SEC. 1429. Notwithstanding section 1101, the level for “Department of the Interior,

Bureau of Reclamation, Central Valley Project Restoration Fund” shall be \$49,915,000.

SEC. 1430. Notwithstanding section 1101, the level for “Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy” shall be \$1,912,000,000.

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

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

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

SEC. 1434. Notwithstanding section 1101, the level for “Department of Energy, Energy Programs, Naval Petroleum and Oil Shale Reserves” shall be \$23,000,000.

SEC. 1435. Notwithstanding section 1101, the level for “Department of Energy, Energy Programs, Strategic Petroleum Reserve” shall be \$138,861,000, to remain available until expended. Of the funds appropriated in Public Law 110-161 under this heading for new site land acquisition activities, \$14,493,000 are hereby permanently cancelled. Of the funds appropriated in Public Law 110-329 under this heading for new site expansion activities, beyond land acquisition, \$31,507,000 are hereby permanently cancelled. Of the funds appropriated in Public Law 111-85 under this heading, \$25,000,000 are hereby permanently cancelled. For an additional amount for “Strategic Petroleum Reserve”, \$71,000,000, to remain available until expended.

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

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

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

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

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

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

SEC. 1442. In addition to amounts otherwise made available by this division, \$200,000,000 is appropriated for “Department of Energy, Energy Programs, Advanced Research Projects Agency—Energy”.

SEC. 1443. Notwithstanding section 1101, subject to section 502 of the Congressional Budget Act of 1974, amounts necessary to support commitments to guarantee loans under title XVII of the Energy Policy Act of 2005, for the cost of loan guarantees for renewable energy under section 1703 of the Energy Policy Act of 2005, an additional \$100,000,000 is appropriated, to remain available until expended: *Provided*, That these amounts are in addition to authorities provided in any other Act: *Provided further*, That for amounts collected pursuant to section 1702(b)(2) of the Energy Policy Act of 2005, the source of such payment received from borrowers may not be a loan or other debt obligation that is guaranteed by the Federal Government: *Provided further*, That none of

such loan guarantee authority made available in this Act shall be available for commitments to guarantee loans for any projects where funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel, or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements, sales, other transaction authority, or other arrangements, to support the project or to obtain goods or services from the project: *Provided further*, That the previous proviso shall not be interpreted as precluding the use of the loan guarantee authority in this Act for commitments to guarantee loans for (1) projects as a result of such projects benefitting from otherwise allowable Federal income tax benefits; (2) projects as a result of such projects benefitting from being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is (A) paid exclusively in cash, (B) deposited in the Treasury as offsetting receipts, and (C) equal to the fair market value as determined by the head of the relevant Federal agency; (3) projects as a result of such projects benefitting from Federal insurance programs, including under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210; commonly known as the "Price-Anderson Act"); or (4) electric generation projects using transmission facilities owned or operated by a Federal Power Marketing Administration or the Tennessee Valley Authority that have been authorized, approved, and financed independent of the project receiving the guarantee: *Provided further*, That none of the loan guarantee authority made available in this Act shall be available for any project unless the Director of the Office of Management and Budget has certified in advance in writing that the loan guarantee and the project comply with the provisions under this section: *Provided further*, That an additional amount for necessary administrative expenses to carry out this Loan Guarantee program, \$58,000,000 is appropriated, to remain available until expended: *Provided further*, That \$58,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2011 appropriations from the general fund estimated at not more than \$0.

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

(1) in subsection (b)—

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

(B) in paragraph (2), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

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

SEC. 1445. The authority provided for commitments to guarantee loans under “Department of Energy—Energy Programs—Title 17 Innovative Technology Loan Guarantee Program” in title III of division C of Public Law 111–8, is available for projects that employ: (1) new or significantly improved technologies of renewable energy systems or efficient end-use energy technologies under section 1703 of the Energy Policy Act of 2005; or (2) notwithstanding section 1703(a)(2), and with regard only to projects for which an application has been submitted to the Department of Energy, in whole or in part, for a loan guarantee under section 1705 prior to February 24, 2011, commercial technologies of renewable energy systems, efficient end-

use energy technologies, or leading edge biofuel projects.

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

SEC. 1447. Notwithstanding section 1101, the level for “Department of Energy, Energy Programs, Departmental Administration” shall be \$165,000,000.

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

SEC. 1449. Notwithstanding section 1101, the level for “Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Weapons Activities” shall be \$6,823,835,000.

SEC. 1450. Notwithstanding section 1101, the level for “Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Defense Nuclear Nonproliferation” shall be \$2,326,727,000.

SEC. 1451. Notwithstanding section 1101, the level for “Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Office of the Administrator” shall be \$399,793,000.

SEC. 1452. Notwithstanding section 1101, the level for “Department of Energy, Environmental and Other Defense Activities, Defense Environmental Cleanup” shall be \$5,107,382,000, of which \$33,700,000 shall be transferred to the “Uranium Enrichment Decontamination and Decommissioning Fund”.

SEC. 1453. Notwithstanding section 1101, the level for “Department of Energy, Environmental and Other Defense Activities, Other Defense Activities” shall be \$827,991,000.

SEC. 1454. Notwithstanding section 1101, the level for “Department of Energy, Environmental and Other Defense Activities, Defense Nuclear Waste Disposal” shall be \$0.

SEC. 1455. Of the unobligated balances from prior year appropriations available for “Corps of Engineers—Civil, Department of the Army, Construction”, \$100,000,000 are rescinded.

SEC. 1456. Of the unobligated balances from prior year appropriations available for “Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy”, \$11,200,000 are rescinded.

SEC. 1457. Of the unobligated balances from prior year appropriations available for “Department of Energy, Energy Programs, Electricity Delivery and Energy Reliability”, \$2,400,000 are rescinded.

SEC. 1458. Of the unobligated balances from prior year appropriations available for “Department of Energy, Energy Programs, Nuclear Energy”, \$6,300,000 are rescinded.

SEC. 1459. Of the unobligated balances from prior year appropriations available for “Department of Energy, Energy Programs, Fossil Energy Research and Development”, \$30,600,000 are rescinded.

SEC. 1460. Of the unobligated balances from prior year appropriations available for “Department of Energy, Energy Programs, Naval Petroleum and Oil Shale Reserves”, \$2,100,000 are rescinded.

SEC. 1461. Of the unobligated balances from prior year appropriations available for “Department of Energy, Energy Programs, Clean Coal Technology”, \$18,000,000 are rescinded.

SEC. 1462. Of the unobligated balances from prior year appropriations available for “Department of Energy, Energy Programs, Strategic Petroleum Reserve”, \$15,300,000 are rescinded.

SEC. 1463. Of the unobligated balances from prior year appropriations available for “Department of Energy, Energy Programs, Energy Information Administration”, \$400,000 are rescinded.

SEC. 1464. Of the unobligated balances from prior year appropriations available for “Department of Energy, Energy Programs, Uranium Enrichment Decontamination and Decommissioning Fund”, \$10,000,000 are rescinded.

SEC. 1465. Of the unobligated balances from prior year appropriations available for “Department of Energy, Energy Programs, Science”, \$7,200,000 are rescinded.

SEC. 1466. Of the unobligated balances from prior year appropriations available for “Department of Energy, Energy Programs, Nuclear Waste Disposal”, \$2,800,000 are rescinded.

SEC. 1467. Of the unobligated balances from prior year appropriations available for “Department of Energy, Energy Programs, Departmental Administration”, \$11,900,000 are rescinded.

SEC. 1468. Of the unobligated balances from prior year appropriations available for “Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Naval Reactors”, \$1,200,000 are rescinded.

SEC. 1469. Of the unobligated balances from prior year appropriations available for “Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Office of the Administrator”, \$4,400,000 are rescinded.

SEC. 1470. Of the unobligated balances from prior year appropriations available for “Department of Energy, Environmental and Other Defense Activities, Defense Environmental Cleanup”, \$11,900,000 are rescinded.

SEC. 1471. Of the unobligated balances from prior year appropriations available for “Department of Energy, Environmental and Other Defense Activities, Other Defense Activities”, \$3,400,000 are rescinded.

SEC. 1472. Of the unobligated balances from prior year appropriations available for “Independent Agencies, Delta Regional Authority”, \$6,000,000 are rescinded.

SEC. 1473. Of the unobligated balances from prior year appropriations available for “Independent Agencies, Denali Commission”, \$15,000,000 are rescinded.

SEC. 1474. Within 30 days of enactment of this division, the Department of Energy; Corps of Engineers, Civil; and Bureau of Reclamation shall submit to the Committees on Appropriations of the House of Representatives and the Senate a spending, expenditure, or operating plan for fiscal year 2011 at a level of detail below the account level.

TITLE V—FINANCIAL SERVICES AND GENERAL GOVERNMENT

SEC. 1501. Notwithstanding section 1101, the level for each of the following accounts of the Department of the Treasury shall be as follows: “Departmental Offices, Salaries and Expenses”, \$320,088,000; “Special Inspector General for the Troubled Asset Relief Program, Salaries and Expenses” \$36,300,000; “Treasury Inspector General for Tax Administration, Salaries and Expenses” \$155,452,000; “Financial Management Service, Salaries and Expenses”, \$235,253,000; “Alcohol and Tobacco Tax and Trade Bureau, Salaries and Expenses” \$101,000,000; and “Bureau of the Public Debt, Administering the Public Debt”, \$185,985,000.

SEC. 1502. Notwithstanding section 1101, under the heading “Department of the Treasury, Departmental Offices, Salaries and Expenses”, the requirement to transfer funds to the National Academy of Sciences for a carbon audit of the tax code shall not apply to funds appropriated by this Act.

SEC. 1503. Of the amount provided for “Department of the Treasury, Departmental Offices, Salaries and Expenses”, up to \$400,000 shall be available to support increased international representation commitments of the

Secretary, and up to \$1,000,000 shall be available, notwithstanding any other provision of law, for contribution to the Global Forum on Transparency and Exchange of Information for Tax Purposes, a Part II Program of the Organization for Economic Cooperation and Development, to cover the cost assessed by that organization for Treasury's participation therein.

SEC. 1504. Notwithstanding section 1101, under the heading "Department of the Treasury, Department-wide Systems and Capital Investments Programs", the first proviso shall not apply to funds appropriated by this Act.

SEC. 1505. Notwithstanding section 1101, under the heading "Alcohol and Tobacco Tax and Trade Bureau", the first proviso shall not apply to funds appropriated by this Act.

SEC. 1506. Notwithstanding section 1101, of the unobligated balances available under the heading "Treasury Forfeiture Fund", \$400,000,000 are rescinded.

SEC. 1507. The level for "Community Development Financial Institutions Fund Program Account" shall be as provided in section 1101, except that: up to \$23,000,000 may be used for administrative expenses, including administration of the New Markets Tax Credit; the provision of a pilot project grant to an eligible organization located in the State of Hawaii shall not apply; the requirement to transfer funds to the Capital Magnet Fund shall not apply, and the amounts subject to that transfer requirement in 2010 shall be included when calculating the level for the Community Development Financial Institutions Fund Account under section 1101; notwithstanding sections 4707(d) and 4707(e) of title 12, United States Code, \$25,000,000 shall be for a Healthy Food Financing Initiative to provide grants and loans to community development financial institutions for the purpose of offering affordable financing and technical assistance to expand the availability of healthy food options in distressed communities; up to \$50,000,000 shall be for initiatives designed to enable individuals with low- or moderate-income levels to establish bank accounts and to improve access to the provision of bank accounts as authorized by section 1204 of Public Law 111-203; and \$25,000,000 shall be for the Bank Enterprise Award program.

SEC. 1508. Notwithstanding section 1101, the level for each of the following accounts of the Internal Revenue Service shall be as follows: "Taxpayer Services" \$2,330,215,000; "Operations Support", \$4,118,000,000, of which up to \$65,000,000 shall remain available until expended for acquisition of real property, equipment, construction, and renovation of facilities; and "Business Systems Modernization", \$363,897,000.

SEC. 1509. Notwithstanding section 1101, the level for "Internal Revenue Service, Enforcement" shall be \$5,591,300,000, of which not less than \$125,500,000 shall be for enforcement related to offshore tax evasion.

SEC. 1510. Notwithstanding any other provision of the Act, section 105 of division C of Public Law 111-117 shall not apply to funds appropriated under this Act.

SEC. 1511. Notwithstanding section 1101, the level for each of the following accounts shall be \$0: "Executive Office of the President and Funds Appropriated to the President, Partnership Fund for Program Integrity Innovation"; "Office of National Drug Control Policy, Counterdrug Technology Assessment Center"; "District of Columbia, Federal Payment for Consolidated Laboratory Facility"; "District of Columbia, Federal Funds, Federal Payment for Youth Services"; "District of Columbia, Federal Funds, Federal Payment to the Office of the Chief Financial Officer for the District of Columbia"; "Election Assistance Commission, Election Reform Programs".

SEC. 1512. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: "Executive Office of the President and Funds Appropriated to the President, White House Repair and Restoration" \$2,005,000; "Executive Office of the President and Funds Appropriated to the President, National Security Council and Homeland Security Council", \$13,984,000; "Office of National Drug Control Policy, Salaries and Expenses", \$27,138,000; "The Judiciary, Supreme Court of the United States, Care of the Building and Grounds", \$8,175,000; "The Judiciary, Fees of Jurors and Commissioners", \$52,410,000; "The Judiciary, Vaccine Injury Compensation Trust Fund", \$4,785,000; "District of Columbia, Federal Funds, Federal Payment to the District of Columbia Courts", \$251,180,000; "District of Columbia, Federal Funds, Federal Payment to the Criminal Justice Coordinating Council", \$1,800,000; "District of Columbia, Federal Funds, Federal Payment for Housing for the Homeless", \$10,000,000; "Administrative Conference of the United States", \$2,750,000; "Federal Deposit Insurance Corporation, Office of the Inspector General", \$47,916,000; "General Services Administration, General Activities, Government-Wide Policy", \$77,621,000; "General Services Administration, Electronic Government Fund", \$2,000,000; "General Services Administration, Allowances and Office Staff for Former Presidents", \$3,907,000; "Harry S Truman Scholarship Foundation", \$1,010,000; "Office of Personnel Management, Salaries and Expenses", \$94,970,000; "Office of Special Counsel, Salaries and Expenses", \$19,000,000; "Privacy and Civil Liberties Oversight Board", \$1,000,000.

SEC. 1513. Any expenses incurred by the Election Assistance Commission using amounts appropriated under the heading "Election Assistance Commission, Election Reform Programs" in the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 327) for any program or activity which the Commission is authorized to carry out under the Help America Vote Act of 2002 shall be considered to have been incurred for the programs and activities described under such heading.

SEC. 1514. Notwithstanding section 1101, the level for "The Judiciary, Courts of Appeals, District Courts, and Other Judicial Services, Salaries and Expenses" shall be \$5,078,583,000. *Provided*, That notwithstanding section 302 of division C, Public Law 111-117, not to exceed \$75,000,000 shall be available for transfer between accounts to maintain fiscal year 2010 operating levels.

SEC. 1515. Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650; 28 U.S.C. 133 note), is amended—

(1) in the third sentence (relating to the District of Kansas), by striking "19 years" and inserting "20 years"; and

(2) in the seventh sentence (relating to the District of Hawaii), by striking "16 years" and inserting "17 years".

SEC. 1516. Notwithstanding any other provision of this Act, except section 1106, the District of Columbia may expend local funds for programs and activities under the heading "District of Columbia Funds" for such programs and activities under title IV of S. 3677 (111th Congress), as reported by the Committee on Appropriations of the Senate, at the rate set forth under "District of Columbia Funds" as included in the Fiscal Year 2011 Budget Request Act (D.C. Act 18-448), as modified as of the date of the enactment of this Act.

SEC. 1517. Notwithstanding section 1101, the level for "Commodity Futures Trading Commission" shall be \$286,000,000, to remain available until September 30, 2012.

SEC. 1518. The proviso under the heading "Commodity Futures Trading Commission" in Public Law 111-80 shall not apply to funds appropriated by this division.

SEC. 1519. Notwithstanding section 1101, under the heading "Consumer Product Safety Commission", \$2,000,000 shall remain available until September 30, 2012, for the grant program under section 1405 of the Virginia Graeme Baker Pool and Spa Safety Act (Public Law 110-140; 15 U.S.C. 8004) and for such program in title V of division C of Public Law 111-117, \$2,000,000 are rescinded.

SEC. 1520. (a) Section 1403(8) of the Virginia Graeme Baker Pool and Spa Safety Act (15 U.S.C. 8002(8)) is amended by adding at the end the following: "For purposes of eligibility for the grants authorized under section 1405, such term shall also include any political subdivision of a State."

(b) Section 1405(e) of the Virginia Graeme Baker Pool and Spa Safety Act (15 U.S.C. 8004 (e)) is amended by striking "2010" and inserting "2011".

SEC. 1521. Notwithstanding section 1101, the Federal Communications Commission is authorized to assess and collect pursuant to section 9 of title I of the Communications Act of 1934 offsetting collections during fiscal year 2011 of \$350,634,000, and such amounts shall be available for obligation until expended, of which not less than \$8,279,115 shall be for the salaries and expenses of the Office of Inspector General.

SEC. 1522. Notwithstanding section 1101, the limits set forth in section 702 of Public Law 111-117 shall not apply to any vehicle that is a commercial item and which operates on emerging motor vehicle technology, including but not limited to electric, plug-in hybrid electric, and hydrogen fuel cell vehicles.

SEC. 1523. Notwithstanding section 1101, 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 \$8,200,161,000, of which \$591,451,000 is provided for "Construction and Acquisition" and \$397,938,000 is provided for "Repairs and Alterations"; *Provided*, That the Administrator of General Services is authorized to initiate design, construction, repair, alteration, leasing, and other projects through existing authorities of the Administrator: *Provided further*, That the General Services Administration shall submit a detailed plan, by project, regarding the use of funds to the Committees on Appropriations of the House of Representatives and the Senate within 30 days of enactment of this section and will provide notification to the Committees within 15 days prior to any changes regarding the use of these funds.

SEC. 1524. The matter pertaining to the amount of \$1,000,000 under the heading "General Services Administration, Operating Expenses" in division C of Public Law 111-117 (123 Stat. 3190) shall not apply to funds appropriated by this Act.

SEC. 1525. Notwithstanding section 1101, the level for each of the following accounts of the National Archives and Records Administration shall be as follows: "Operating Expenses", \$347,689,000; "Office of Inspector General", \$4,250,000; "Electronic Records Archives", \$72,000,000, of which \$52,500,000 shall remain available until September 30, 2013; "Repairs and Restoration", \$11,848,000; and "National Historical Publications and Records Commission, Grants Program", \$9,000,000.

SEC. 1526. Public Law 109-115 is amended, under the heading "National Archives and Records Administration, Repairs and Restoration", by striking "of which \$1,500,000 is

to construct a new regional archives and records facility in Anchorage, Alaska.”

SEC. 1527. Division H of Public Law 108–447 is amended, under the heading “National Archives and Records Administration, Repairs and Restoration”, by striking “of which \$3,000,000 is for site preparation and construction management to construct a new regional archives and records facility in Anchorage, Alaska, and”.

SEC. 1528. Of the unobligated balances of prior year appropriations available under the heading “Privacy and Civil Liberties Oversight Board”, \$1,500,000 are rescinded.

SEC. 1529. Notwithstanding section 1101, user fees for “Securities and Exchange Commission, Salaries and Expenses” shall be available for obligation in the amount of \$1,300,000,000.

SEC. 1530. Notwithstanding section 1101, the level provided under the heading “Small Business Administration, Surety Bond Guarantees Revolving Fund” shall be \$0; the level provided under the heading “Small Business Administration, Disaster Loans Program Account” for the cost of guaranteed loans shall be \$0; and the level provided under section 523 shall be \$0.

SEC. 1531. Notwithstanding section 1101, the level for “United States Postal Service, Payment to the Postal Service Fund” shall be \$29,000,000; and, notwithstanding section 1109, an additional \$74,905,000 shall be available for obligation on October 1, 2011.

SEC. 1532. Notwithstanding section 1101, the level for “Independent Agencies, United States Tax Court, Salaries and Expenses” shall be \$52,093,000, of which \$2,852,000 shall be for security improvements.

SEC. 1533. Section 617 of Public Law 111–117 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

SEC. 1534. Section 710 of Public Law 111–117 is amended by striking in (c), (d), and (e) “September 30, 2009” and inserting “September 30, 2010”.

SEC. 1535. Section 805(b) of Public Law 111–117 is amended by striking “November 1, 2010” and inserting “November 1, 2011”.

SEC. 1536. Of the unobligated balances available under the heading “General Services Administration, Federal Buildings Fund”, \$25,000,000 are rescinded and shall be returned to the General Fund of the Treasury.

TITLE VI—HOMELAND SECURITY

SEC. 1601. Within 30 days after the date of enactment of this division, the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives an expenditure plan for fiscal year 2011 that displays the level of funding by program, project, and activity consistent with the table of detailed funding recommendations contained at the end of the joint explanatory statement accompanying the Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83).

SEC. 1602. Notwithstanding section 1101, the level for “Department of Homeland Security, Office of the Secretary and Executive Management” shall be \$144,818,000.

SEC. 1603. Notwithstanding section 1101, the level for “Department of Homeland Security, Office of the Under Secretary for Management” shall be \$239,933,000.

SEC. 1604. Notwithstanding section 1101, the level for “Department of Homeland Security, Office of the Federal Coordinator for Gulf Coast Rebuilding” shall be \$0.

SEC. 1605. Notwithstanding section 1101, the level for “Department of Homeland Security, U.S. Customs and Border Protection, Salaries and Expenses” shall be \$8,208,477,000: *Provided*, That for fiscal year 2011, the Border Patrol shall achieve an active duty presence

of not less than 21,370 agents protecting the border of the United States by September 30, 2011.

SEC. 1606. Notwithstanding section 1101, the level for “Department of Homeland Security, U.S. Customs and Border Protection, Automation Modernization” shall be \$341,575,000, of which \$153,090,000 shall be for the Automated Commercial Environment.

SEC. 1607. (a) Notwithstanding section 1101, the level for “Department of Homeland Security, U.S. Customs and Border Protection, Border Security Fencing, Infrastructure, and Technology” shall be \$574,173,000.

(b) Paragraph (11) of the first proviso and the third and fourth provisos under the heading “Border Security Fencing, Infrastructure, and Technology” of Public Law 111–83 shall not apply to funds appropriated by this division.

SEC. 1608. Notwithstanding section 1101, the level for “Department of Homeland Security, U.S. Customs and Border Protection, Air and Marine Interdiction, Operations, Maintenance, and Procurement” shall be \$508,751,000.

SEC. 1609. Notwithstanding section 1101, the level for “Department of Homeland Security, U.S. Customs and Border Protection, Construction and Facilities Management” shall be \$279,740,000.

SEC. 1610. Notwithstanding section 1101, the level for “Department of Homeland Security, U.S. Immigration and Customs Enforcement, Salaries and Expenses” shall be \$5,437,643,000: *Provided*, That U.S. Immigration and Customs Enforcement shall maintain a level of not fewer than 33,400 detention beds throughout fiscal year 2011.

SEC. 1611. Notwithstanding section 1101, the level for “Department of Homeland Security, U.S. Immigration and Customs Enforcement, Automation Modernization” shall be \$75,000,000.

SEC. 1612. Notwithstanding section 1101, the level for “Department of Homeland Security, U.S. Immigration and Customs Enforcement, Construction” shall be \$0.

SEC. 1613. Notwithstanding section 1101, the level for “Department of Homeland Security, Transportation Security Administration, Aviation Security” shall be \$5,251,046,000: *Provided*, That the amounts included under such heading in Public Law 111–83 shall be applied to funds appropriated by this division as follows: by substituting “\$5,251,046,000” for “\$5,214,040,000”; by substituting “\$4,339,293,000” for “\$4,358,076,000”; by substituting “\$629,297,000” for “\$1,116,406,000”; by substituting “\$911,753,000” for “\$855,964,000”; by substituting “\$291,191,000” for “\$778,300,000”; by substituting “9 percent” for “28 percent”; and by substituting “\$3,151,046,000” for “\$3,114,040,000”.

SEC. 1614. Notwithstanding section 1101, the level for “Department of Homeland Security, Transportation Security Administration, Surface Transportation Security” shall be \$105,961,000.

SEC. 1615. Notwithstanding section 1101, the level for “Department of Homeland Security, Transportation Security Administration, Transportation Threat Assessment and Credentialing” shall be \$162,999,000.

SEC. 1616. Notwithstanding section 1101, the level for “Department of Homeland Security, Transportation Security Administration, Transportation Security Support” shall be \$1,015,638,000.

SEC. 1617. Notwithstanding section 1101, the level for “Department of Homeland Security, Transportation Security Administration, Federal Air Marshals” shall be \$934,802,000.

SEC. 1618. Notwithstanding section 1101, the level for “Department of Homeland Security, Coast Guard, Operating Expenses”

shall be \$6,928,388,000 of which \$254,000,000 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*, That the Coast Guard may decommission one Medium Endurance Cutter, two High Endurance Cutters, four HU–25 aircraft, and one Maritime Safety and Security Team, and may make necessary staffing adjustments at the Coast Guard Investigative Service and other support units, as specified in the budget justification materials for fiscal year 2011 as submitted to the Committees on Appropriations of the Senate and House of Representatives.

SEC. 1619. Notwithstanding section 1101, the level for “Department of Homeland Security, Coast Guard, Acquisition, Construction, and Improvements” shall be \$1,533,783,000, of which \$2,000,000 shall be derived from the Coast Guard Housing Fund, established pursuant to 14 U.S.C. 687, and shall remain available until expended for military family housing; of which \$54,000,000 shall be for vessels, small boats, critical infrastructure, and related equipment; of which \$36,000,000 shall be for other equipment; of which \$69,200,000 shall be for shore and aids to navigation facilities, including waterfront facilities at Navy installations used by the Coast Guard; of which \$106,083,000 shall be available for personnel compensation and benefits and related costs; and of which \$1,266,500,000 shall be for the Integrated Deepwater Systems program: *Provided*, That of the funds made available for the Integrated Deepwater Systems program, \$101,000,000 is for aircraft and \$1,010,000,000 is for surface ships.

SEC. 1620. Notwithstanding section 1101, the level for “Department of Homeland Security, Coast Guard, Alteration of Bridges” shall be \$0.

SEC. 1621. Notwithstanding section 1001, the level for “Department of Homeland Security, Coast Guard, Research, Development, Test, and Evaluation” shall be \$28,745,000.

SEC. 1622. Notwithstanding section 1101, the level for “Department of Homeland Security, United States Secret Service, Salaries and Expenses” shall be \$1,526,361,000.

SEC. 1623. Notwithstanding section 1101, the level for “Department of Homeland Security, National Protection and Programs Directorate, Infrastructure Protection and Information Security” shall be \$874,923,000.

SEC. 1624. Notwithstanding section 1101, under the heading “Department of Homeland Security, Federal Protective Service”, the revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service: *Provided*, That, no later than September 30, 2011, the Federal Protective Service shall maintain not fewer than 1,250 full-time staff and 935 full-time Police Officers, Inspectors, Area Commanders, and Special Agents who, while working, are directly engaged on a daily basis protecting and enforcing laws at Federal buildings (referred to as “in-service field staff”).

SEC. 1625. Notwithstanding section 1101, the level for “Department of Homeland Security, National Protection and Programs Directorate, United States Visitor and Immigrant Status Indicator Technology” shall be \$334,613,000.

SEC. 1626. Notwithstanding section 1101, the level for “Department of Homeland Security, Office of Health Affairs” shall be \$139,734,000.

SEC. 1627. Notwithstanding section 1101, the level for “Department of Homeland Security, Federal Emergency Management Agency, Management and Administration” shall be \$803,150,000, of which \$12,000,000 shall be for capital improvements at the Federal Emergency Management Agency Mount Weather Emergency Operations Center, and of which \$38,000,000 shall be for the Urban Search and Rescue Response System.

SEC. 1628. Notwithstanding section 1101, the level for “Department of Homeland Security, Federal Emergency Management Agency, State and Local Programs” shall be \$2,826,500,000: *Provided*, That of the amount provided by this division for the State Homeland Security Grant Program under such heading, \$60,000,000 shall be for Operation Stonegarden and \$10,000,000 shall be for the Citizen Corps Program: *Provided further*, That the amounts provided by this division 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 of the amount provided by this division for Public Transportation Security Assistance and Railroad Security Assistance under such heading, no less than \$20,000,000 shall be for Amtrak security: *Provided further*, That the amounts included under such heading in Public Law 111-83 shall be applied to funds appropriated by this division as follows: in paragraph (1), by substituting “\$900,000,000” for “\$950,000,000”; in paragraph (3), by substituting “\$30,000,000” for “\$35,000,000”; in paragraph (5), by substituting “\$0” for “\$13,000,000”; in paragraph (8), by substituting “\$0” for “\$12,000,000”; in paragraph (9), by substituting “\$35,000,000” for “\$50,000,000”; in paragraph (10), by substituting “\$0” for “\$50,000,000”; in paragraph (12), by substituting “\$30,000,000” for “\$60,000,000” and “\$0” for each following amount in such paragraph; in paragraph (13), by substituting “\$253,500,000” for “\$267,200,000”; in paragraph (13)(A), by substituting “\$159,500,000” for “\$164,500,000”; in paragraph (13)(B), by substituting “\$0” for “\$1,700,000”; and in paragraph (13)(C), by substituting “\$0” for “\$3,000,000”: *Provided further*, That 5 percent of the amount provided for “Department of Homeland Security, Federal Emergency Management Agency, State and Local Programs” by this division shall be transferred to “Department of Homeland Security, Federal Emergency Management Agency, Management and Administration” for program administration.

SEC. 1629. Notwithstanding section 1101, the level for “Department of Homeland Security, Federal Emergency Management Agency, Firefighter Assistance Grants” for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), shall be \$810,000,000, of which \$405,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and \$405,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a).

SEC. 1630. Notwithstanding the requirement under section 34(a)(1)(A) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)(A)) that grants must be used to increase the number of firefighters in fire departments, the Secretary of Homeland Security, in making grants under section 34 of such Act using the funds appropriated for fiscal year 2011, shall grant waivers from the requirements of subsections (a)(1)(B), (c)(1), (c)(2), and (c)(4)(A) of such section: *Provided*, That section 34(a)(1)(E) of such Act shall not apply with respect to funds appropriated for fiscal year 2011 for grants under section 34 of such Act: *Provided further*, That the Secretary of Homeland Security, in making grants under section 34 of such Act, shall en-

sure that funds appropriated for fiscal year 2011 are made available for the retention of firefighters.

SEC. 1631. Notwithstanding section 1101, the level for “Department of Homeland Security, Federal Emergency Management Agency, Disaster Relief” shall be \$1,950,000,000: *Provided*, That the Administrator of the Federal Emergency Management Agency shall submit quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives providing estimates of funding requirements for “Disaster Relief” for the current fiscal year and the succeeding three fiscal years. The report shall provide (a) an estimate, by quarter, for the costs of all previously designated disasters; (b) an estimate, by quarter, for the cost of future disasters based on a five year average, excluding catastrophic disasters; and (c) an estimate of the date on which the “Disaster Relief” balance will reach \$500,000,000: *Provided further*, That the President shall submit an emergency supplemental budget request no later than three months prior to the date that the Administrator of the Federal Emergency Management Agency estimates that the total amount remaining unallocated in “Disaster Relief” will reach \$500,000,000, and that the request shall account for all estimated funding requirements for that fiscal year.

SEC. 1632. Notwithstanding section 1101, the level for “Department of Homeland Security, Federal Emergency Management Agency, Flood Map Modernization Fund” shall be \$194,000,000.

SEC. 1633. Notwithstanding section 1101, in fiscal year 2011, funds shall not be available from the National Flood Insurance Fund under section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017) for operating expenses in excess of \$110,000,000, and for agents’ commissions and taxes in excess of \$963,339,000: *Provided*, That notwithstanding section 1101, for activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the level shall be \$169,000,000, which shall be derived from offsetting collections assessed and collected under 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)), of which not to exceed \$22,145,000 shall be available for salaries and expenses associated with flood mitigation and flood insurance operations; and not less than \$146,855,000 shall be available for floodplain management and flood mapping, which shall remain available until September 30, 2012.

SEC. 1634. Notwithstanding section 1101, the level for “Department of Homeland Security, Federal Emergency Management Agency, National Predisaster Mitigation Fund” shall be \$85,000,000.

SEC. 1635. Notwithstanding section 1101, the level for “Department of Homeland Security, Federal Emergency Management Agency, Emergency Food and Shelter” shall be \$150,000,000.

SEC. 1636. Notwithstanding section 1101, the level for “Department of Homeland Security, United States Citizenship and Immigration Services” shall be \$146,593,000, of which \$25,000,000 is for processing applications for asylum and refugee status, and of which \$103,400,000 shall be for the E-Verify Program.

SEC. 1637. Notwithstanding section 1101, the level for “Department of Homeland Security, Federal Law Enforcement Training Center, Salaries and Expenses” shall be \$235,919,000.

SEC. 1638. Notwithstanding section 1101, the level for “Department of Homeland Security, Federal Law Enforcement Training Center, Acquisitions, Construction, Improvements, and Related Expenses” shall be \$38,456,000.

SEC. 1639. Notwithstanding section 1101, the level for “Department of Homeland Security, Science and Technology, Management and Administration” shall be \$141,200,000.

SEC. 1640. Notwithstanding section 1101, the level for “Department of Homeland Security, Science and Technology, Research, Development, Acquisition, and Operations” shall be \$698,036,000: *Provided*, That the final proviso included under the heading “Department of Homeland Security, Science and Technology, Research, Development, Acquisition, and Operations” in the Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83) shall have no force or effect.

SEC. 1641. Notwithstanding section 1101, the level for “Department of Homeland Security, Domestic Nuclear Detection Office, Management and Administration” shall be \$36,992,000.

SEC. 1642. Notwithstanding section 1101, the level for “Department of Homeland Security, Domestic Nuclear Detection Office, Research, Development, and Operations” shall be \$300,242,000.

SEC. 1643. Notwithstanding section 1101, the level for “Department of Homeland Security, Domestic Nuclear Detection Office, Systems Acquisition” shall be \$40,000,000.

SEC. 1644. For an additional amount to plan, acquire, construct, renovate, remediate, equip, furnish, and occupy buildings and facilities for the consolidation of the Department of Homeland Security headquarters, \$91,400,000.

SEC. 1645. For an additional amount for necessary expenses for reimbursement of the actual costs to State and local governments for providing emergency management, public safety, and security at events, as determined by the Administrator of the Federal Emergency Management Agency, related to the presence of a National Special Security Event, \$15,000,000, to remain available until September 30, 2012.

SEC. 1646. (a) Section 560 of Public Law 111-83 shall not apply to funds appropriated by this division.

(b) For an additional amount for Science and Technology, “Research, Development, Acquisition, and Operations”, \$40,000,000, to remain available until September 30, 2012, for construction of the Central Utility Plant at the National Bio-and Agro-Defense Facility.

(c) No funding provided in this or previous appropriations Acts shall be used for construction of the National Bio- and Agro-Defense Facility until—

(1) the Department of Homeland Security has completed 50 percent of National Bio- and Agro-Defense Facility design planning and submitted a revised site-specific biosafety and biosecurity mitigation risk assessment that describes how to significantly reduce risks of conducting essential research and diagnostic testing at the National Bio- and Agro-Defense Facility and addresses shortcomings identified in the National Academy of Sciences’ evaluation of the initial site-specific biosafety and biosecurity mitigation risk assessment, and

(2) the National Academy of Sciences submits an evaluation of the revised site-specific biosafety and biosecurity mitigation risk assessment.

(d) The revised site-specific biosafety and biosecurity mitigation risk assessment required by subsection (c) shall—

(1) include a quantitative risk assessment for foot-and-mouth disease virus, in particular epidemiological and economic impact modeling to determine the overall risk of operating the facility for its expected 50-year life span, taking into account strategies to mitigate risk of foot-and-mouth disease virus release from the laboratory and ensure

safe operations at the approved National Bio- and Agro-Defense Facility site;

(2) address the impact of surveillance, response, and mitigation plans (developed in consultation with local, State, and Federal authorities and appropriate stakeholders) if a release occurs, to detect and control the spread of disease; and

(3) include overall risks of the most dangerous pathogens the Department of Homeland Security expects to hold in the National Bio- and Agro-Defense Facility's biosafety level 4 facility, and effectiveness of mitigation strategies to reduce those risks.

(e) The Department of Homeland Security shall enter into a contract with the National Academy of Sciences to evaluate the adequacy and validity of the risk assessment required by subsection (c). The National Academy of Sciences shall submit a report on such evaluation within four months after the date the Department of Homeland Security concludes its risk assessment.

SEC. 1647. Section 503 of the Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83) is amended by adding at the end the following:

“(e) The notification thresholds and procedures set forth in this section shall apply to any use of deobligated balances of funds provided in previous Department of Homeland Security Appropriations Acts.”

SEC. 1648. For fiscal year 2011, sections 529, 541, and 545 of the Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83; 123 Stat. 2174, 2176) shall have no force or effect.

SEC. 1649. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295; 6 U.S.C. 121 note) is amended by striking “on October 4, 2010” and inserting “on October 4, 2011”.

SEC. 1650. Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a), by striking “Until September 30, 2010,” and inserting “Until September 30, 2011,”; and

(2) in subsection (d)(1), by striking “September 30, 2010,” and inserting “September 30, 2011.”

SEC. 1651. Section 532(a) of Public Law 109-295 (120 Stat. 1384) is amended by striking “2010” and inserting “2011”.

SEC. 1652. Of the funds transferred to the Department of Homeland Security when it was created in 2003, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

(1) “Operations”, \$1,692,000.

(2) “Violent Crime Reduction Program”, \$4,871,492.

(3) “U.S. Customs and Border Protection, Salaries and Expenses”, \$17,949,950.

(4) “Office for Domestic Preparedness”, \$10,568,964.

SEC. 1653. The following unobligated balances made available to the Department of Homeland Security pursuant to section 505 of Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83; 123 Stat. 2174) are rescinded: \$886,665 from “Office of the Secretary and Executive Management”; \$604,342 from “Office of the Under Secretary for Management”; \$24,379 from the “Office of the Chief Financial Officer”; \$29,741 from “Office of the Chief Information Officer”; \$218,173 from “Analysis and Operations”; \$76,498 from “Office of the Federal Coordinator for Gulf Coast Rebuilding”; \$197,272 from “Office of Inspector General”; \$11,373,129 from “U.S. Customs and Border Protection, Salaries and Expenses”; \$3,443,644 from “U.S. Immigration and Customs Enforcement, Salaries and Expenses”; \$2,555,962 from “Transportation Security Administration, Federal Air Marshals”; \$8,617,331 from “Coast Guard, Operating Ex-

penses”; \$2,965,312 from “Coast Guard, Reserve Training”; \$83,784 from “National Protection and Programs Directorate, Management and Administration”; \$551,737 from “National Protection and Programs Directorate, Infrastructure Protection and Information Security”; \$704,700 from “United States Secret Service, Salaries and Expenses”; \$863,628 from “Federal Emergency Management Agency, Management and Administration”; \$864,660 from “Office of Health Affairs”; \$7,945,983 from “United States Citizenship and Immigration Services”; \$960,828 from “Federal Law Enforcement Training Center, Salaries and Expenses”; \$353,524 from “Science and Technology, Management and Administration”; and \$45,468 from “Domestic Nuclear Detection Office, Management and Administration”.

SEC. 1654. Of the funds appropriated to the Department of Homeland Security, the following unobligated balances are hereby rescinded from the following accounts and programs in the specified amounts:

(1) “Department of Homeland Security, U.S. Customs and Border Protection, Automation Modernization”, \$10,000,000.

(2) “Department of Homeland Security, U.S. Customs and Border Protection, Border Security Fencing, Infrastructure, and Technology”, \$93,000,000.

(3) “Department of Homeland Security, Federal Emergency Management Agency, National Predisaster Mitigation Fund”, \$19,603,000.

(4) “Department of Homeland Security, Science and Technology, Research, Development, Acquisition, and Operations”, \$62,000,000.

(5) “Department of Homeland Security, Domestic Nuclear Detection Office, Research, Development, and Operations”, \$15,700,000.

(6) “Department of Homeland Security, Coast Guard, Acquisition, Construction, and Improvements”, \$10,122,000.

SEC. 1655. Of the unobligated balances available for “Department of Homeland Security, U.S. Customs and Border Protection, Construction” for construction projects, \$106,556,000 is rescinded: *Provided*, That the amounts rescinded under this section shall be limited to amounts available for Border Patrol projects and facilities: *Provided further*, That no amounts 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. 1656. Of the unobligated balances available for “Department of Homeland Security, Transportation Security Administration”, \$15,000,000 is rescinded: *Provided*, That the Transportation Security Administration shall not rescind any unobligated balances from the following programs: explosives detection systems; checkpoint support; aviation regulation and other enforcement; and air cargo.

SEC. 1657. 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 from Next Generation Networks.

(2) \$9,600,000 to be specified in a report submitted by the Secretary of Homeland Security to the Committees on Appropriations of the Senate and the House of Representatives no later than 15 days after the date of enactment of this division, that describes the amounts rescinded and the original purpose of such funds.

SEC. 1658. From the unobligated balances of funds made available in the Department of

the Treasury Forfeiture Fund established by section 9703 of title 31, United States Code, that was added to such title by section 638 of Public Law 102-393, \$22,600,000 are rescinded.

SEC. 1659. From the unobligated balances made available for Coast Guard “Operating Expenses” in chapter 6 of title I of Public Law 111-212, \$5,000,000 are rescinded.

SEC. 1660. From the unobligated balances made available for Coast Guard “Acquisition, Construction, and Improvements” in chapter 5 of title I of division B of Public Law 110-329, \$26,500,000 are rescinded.

SEC. 1661. From the unobligated balances made available for Transportation Security Administration “Aviation Security” in chapter 5 of title III of Public Law 110-28, \$18,345,000 are rescinded.

SEC. 1662. From the unobligated balances of prior year appropriations made available for United States Visitor and Immigrant Indicator Technology, \$55,295,000 are rescinded.

SEC. 1663. From the unobligated balances of prior year appropriations made available for United States Citizenship and Immigration Services for the program commonly known as the “REAL ID hub”, \$18,500,000 are rescinded.

SEC. 1664. From the unobligated balances of prior year appropriations made available for “United States Citizenship and Immigration Services” in chapter 6 of title I of Public Law 111-212, \$6,500,000 are rescinded.

SEC. 1665. Of the unobligated balances available for “Department of Homeland Security, U.S. Immigration and Customs Enforcement, Construction”, \$10,000,000 are rescinded.

TITLE VII—INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

SEC. 1701. Notwithstanding section 1101, the level for “Department of the Interior, Bureau of Land Management, Management of Lands and Resources” shall be \$970,706,000: *Provided*, That the amounts included under such heading in division A of Public Law 111-88 shall be applied to funds appropriated by this division by substituting “\$970,706,000” for “\$959,571,000” the second place it appears.

SEC. 1702. Notwithstanding section 1101, the level for “Department of the Interior, Bureau of Land Management, Construction” shall be \$6,626,000.

SEC. 1703. Notwithstanding section 1101, the level for “Department of the Interior, Bureau of Land Management, Land Acquisition” shall be \$26,650,000: *Provided*, That the proviso under such heading in division A of Public Law 111-88 shall not apply to funds appropriated by this division.

SEC. 1704. Notwithstanding section 1101, the level for “Department of the Interior, United States Fish and Wildlife Service, Resource Management” shall be \$1,257,356,000.

SEC. 1705. Notwithstanding section 1101, the level for “Department of the Interior, United States Fish and Wildlife Service, Construction” shall be \$27,139,000.

SEC. 1706. Notwithstanding section 1101, the level for “Department of the Interior, United States Fish and Wildlife Service, Land Acquisition” shall be \$63,890,000.

SEC. 1707. Of the unobligated amounts under the heading “Department of the Interior, United States Fish and Wildlife Service, Landowner Incentive Program” from prior year appropriations, all remaining amounts are rescinded.

SEC. 1708. Notwithstanding section 1101, the level for “Department of the Interior, United States Fish and Wildlife Service, Cooperative Endangered Species Conservation Fund” shall be \$84,841,000: *Provided*, That the amounts included under such heading in division A of Public Law 111-88 shall be applied to funds appropriated by this division by substituting “\$4,987,297” for “\$5,145,706”.

SEC. 1709. Before the end of the 60-day period beginning on the date of enactment of this division, the Secretary of the Interior shall reissue the final rule published on April 2, 2009 (74 Fed. Reg. 15123 et seq.) without regard to any other provision of statute or regulation that applies to issuance of such rule. Such reissuance (including this section) shall not be subject to judicial review.

SEC. 1710. Notwithstanding section 1101, the level for "Department of the Interior, National Park Service, Park Partnership Project Grants" shall be \$0 and the matters pertaining to such account in division A of Public Law 111-88 shall not apply to funds appropriated by this division.

SEC. 1711. Notwithstanding section 1101, the level for "Department of the Interior, National Park Service, National Recreation and Preservation" shall be \$57,986,000, of which \$0 shall be for projects authorized by section 7302 of Public Law 111-11.

SEC. 1712. Notwithstanding section 1101, the level for "Department of the Interior, National Park Service, Historic Preservation Fund" shall be \$69,300,000: *Provided*, That the amounts included under such heading in division A of Public Law 111-88 shall be applied to funds appropriated by this division by substituting "\$14,800,000" for "\$25,000,000": *Provided further*, That the proviso under such heading in division A of Public Law 111-88 shall not apply to funds appropriated by this division.

SEC. 1713. Notwithstanding section 1101, the level for "Department of the Interior, National Park Service, Construction" shall be \$210,066,000: *Provided*, That the last proviso under such heading in division A of Public Law 111-88 shall not apply to funds appropriated by this division.

SEC. 1714. The contract authority provided for fiscal year 2011 by 16 U.S.C. 4601-10a is rescinded.

SEC. 1715. Notwithstanding section 1101, the level for "Department of the Interior, National Park Service, Land Acquisition and State Assistance" shall be \$108,846,000: *Provided*, That section 113 of division A of Public Law 111-88 shall not apply to funds appropriated by this division.

SEC. 1716. Notwithstanding section 1101, the level for "Department of the Interior, United States Geological Survey, Surveys, Investigations, and Research" shall be \$1,104,844,000.

SEC. 1717. Notwithstanding section 1101, the level for "Department of the Interior, Minerals Management Service, Royalty and Offshore Minerals Management" shall be \$253,613,000: *Provided*, That the amounts included under such heading in division A of Public Law 111-88 shall be applied to funds appropriated by this division by substituting "\$104,674,000" for "\$89,374,000"; and by substituting "\$154,890,000" for "\$156,730,000" each place it appears.

SEC. 1718. Notwithstanding section 1101, the level for "Department of the Interior, Minerals Management Service, Oil Spill Research" shall be \$11,768,000.

SEC. 1719. During fiscal year 2011, the Secretary of the Interior, in order to implement a reorganization of the Bureau of Ocean Energy Management, Regulation, and Enforcement, may establish accounts, transfer funds among and between the offices and bureaus affected by the reorganization, and take other administrative actions necessary in conformance with the House and Senate Committees on Appropriations reprogramming guidelines described in the joint explanatory statement of managers accompanying Public Law 111-88.

SEC. 1720. Notwithstanding section 1101, the level for "Department of the Interior, Bureau of Indian Affairs, Operation of Indian Programs" shall be \$2,334,515,000: *Provided*,

That the amounts included under such heading in division A of Public Law 111-88 shall be applied to funds appropriated by this division as follows: by substituting "\$220,000,000" for "\$166,000,000"; by substituting "\$585,411,000" for "\$568,702,000"; and by substituting "\$46,373,000" for "\$43,373,000".

SEC. 1721. Notwithstanding section 1101, the level for "Department of the Interior, Bureau of Indian Affairs, Construction" shall be \$165,000,000.

SEC. 1722. Notwithstanding section 1101, the level for "Department of the Interior, Bureau of Indian Affairs, Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians" shall be \$46,480,000, of which \$0 shall be for the matter pertaining to Public Law 109-379.

SEC. 1723. Notwithstanding section 1101, the level for "Department of the Interior, Bureau of Indian Affairs, Indian Land Consolidation" shall be \$0.

SEC. 1724. Section 108 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109-54) is amended by striking "for fiscal years 2006 through 2010, for the purpose of reducing the backlog of" and inserting "for fiscal year 2006 and each fiscal year thereafter, for the purpose of adjudicating".

SEC. 1725. Notwithstanding section 1101, the level for "Department of the Interior, Departmental Offices, Insular Affairs, Assistance to Territories" shall be \$84,295,000: *Provided*, That the amounts included under such heading in division A of Public Law 111-88 shall be applied to funds appropriated by this division by substituting "\$75,015,000" for "\$75,915,000".

SEC. 1726. Notwithstanding section 1101, the level for "Department of the Interior, Departmental Offices, Office of the Special Trustee for American Indians, Federal Trust Programs" shall be \$176,984,000, as provided for in section 3004(a) of Public Law 111-212 (124 Stat. 2339): *Provided*, That the amount included under such heading in division A of Public Law 111-88 shall be \$47,536,000, as provided for in section 3004(a) of Public Law 111-212 (124 Stat. 2339).

SEC. 1727. Notwithstanding section 1101, the level for "Department of the Interior, Department-wide Programs, Wildland Fire Management" shall be \$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 division by substituting "\$0" for "\$125,000,000": *Provided further*, That \$200,000,000 in unobligated fire suppression balances under this heading from Public Law 111-8 and Public Law 111-88 are hereby permanently rescinded.

SEC. 1728. Notwithstanding section 1104, section 121 of division A of Public Law 111-88 (123 Stat. 2930), concerning joint ticketing at the Pearl Harbor Naval Complex, is amended in subsection (b)(1) by striking "may enter" and inserting "may, for this fiscal year and each fiscal year thereafter, enter".

SEC. 1729. Notwithstanding section 1101, the level for "Environmental Protection Agency, Science and Technology" shall be \$826,370,000.

SEC. 1730. Notwithstanding section 1101, the level for "Environmental Protection Agency, Environmental Programs and Management" shall be \$2,789,417,000: *Provided*, That of the funds included under this heading \$429,441,000 shall be for the Geographic Programs specified in the explanatory statement accompanying Public Law 111-88: *Provided further*, That of such amount for Geographic Programs, \$300,000,000 shall be for the Great Lakes Restoration Initiative; and \$46,000,000 shall be for Puget Sound.

SEC. 1731. The matter pertaining to planning and design of a high-performance green

building to consolidate the multiple offices and research facilities of the Environmental Protection Agency in Las Vegas, Nevada under the heading "Environmental Protection Agency, Buildings and Facilities" in division A of Public Law 111-88 shall not apply to funds appropriated by this division.

SEC. 1732. Notwithstanding section 1101, the level for "Environmental Protection Agency, Hazardous Substance Superfund" shall be \$1,293,475,000: *Provided*, That the matter under such heading in division A of Public Law 111-88 shall be applied to funds appropriated in this division as follows: by substituting "\$1,293,475,000" the second place it appears; and by substituting "September 30, 2010" for "September 30, 2009".

SEC. 1733. Notwithstanding section 1101, the level for "Environmental Protection Agency, State and Tribal Assistance Grants" shall be \$4,780,946,000: *Provided*, That the amounts included under such heading in division A of Public Law 111-88 shall be applied to funds appropriated by this division by substituting "\$14,500,000" for "\$17,000,000"; by substituting "\$0" for "\$156,777,000"; by substituting "\$0" for "\$20,000,000"; by substituting "\$1,106,446,000" for "\$1,116,446,000"; and by substituting "\$0" for "\$10,000,000" the second place it appears (pertaining to competitive grants to communities).

SEC. 1734. Notwithstanding section 1101, 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 division by substituting "\$300,000,000" for "\$475,000,000".

SEC. 1735. Notwithstanding section 1101, the level for "Department of Agriculture, Forest Service, State and Private Forestry" shall be \$301,611,000.

SEC. 1736. Notwithstanding section 1101, the level for "Department of Agriculture, Forest Service, National Forest System" shall be \$1,566,339,000, of which \$15,000,000 shall be deposited in the Collaborative Forest Landscape Restoration Fund for ecological treatments as authorized by 16 U.S.C. 7303(f).

SEC. 1737. Notwithstanding section 1101, the level for "Department of Agriculture, Forest Service, Capital Improvement and Maintenance" shall be \$509,762,000: *Provided*, That amounts included under such heading in division A of Public Law 111-88 shall be applied to funds appropriated in this division by substituting "\$50,000,000" for "\$90,000,000".

SEC. 1738. Notwithstanding section 1101, the level for "Department of Agriculture, Forest Service, Land Acquisition" shall be \$33,184,000.

SEC. 1739. Notwithstanding section 1101, the level for "Department of Agriculture, Forest Service, Wildland Fire Management" shall be \$2,178,387,000: *Provided*, That the amounts included under such heading in division A of Public Law 111-88 shall be applied to funds appropriated by this division by substituting "\$0" for "\$75,000,000": *Provided further*, That \$200,000,000 in unobligated fire suppression balances under this heading from Public Law 111-88 are hereby permanently rescinded.

SEC. 1740. Notwithstanding section 1101, the level for "Department of Agriculture, Forest Service, FLAME Wildfire Suppression Reserve Fund" shall be \$291,000,000: *Provided*, That \$200,000,000 in unobligated balances under this heading from Public Law 111-88 are hereby rescinded.

SEC. 1741. Notwithstanding section 1101, the level for "Chemical Safety and Hazard Investigation Board, Salaries and Expenses" shall be \$10,547,000: *Provided*, That the matter pertaining to methyl isocyanate in the last proviso under such heading in division A of

Public Law 111-88 shall not apply to funds appropriated by this division.

SEC. 1742. Notwithstanding section 1101, the level for “Smithsonian Institution, Legacy Fund” shall be \$0.

SEC. 1743. Notwithstanding section 1101, the level for “National Gallery of Art, Repair, Restoration and Renovation of Buildings” shall be \$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 division by substituting “\$42,250,000” for “\$40,000,000”.

SEC. 1744. Notwithstanding section 1101, the proviso under the heading “John F. Kennedy Center for the Performing Arts, Operations and Maintenance” in division A of Public Law 111-88 shall not apply to funds appropriated by this division.

SEC. 1745. Notwithstanding section 1101, the level for “John F. Kennedy Center for the Performing Arts, Capital Repair and Restoration” shall be \$13,920,000.

SEC. 1746. Notwithstanding section 1101, the level for “National Capital Arts and Cultural Affairs” shall be \$4,500,000.

SEC. 1747. Notwithstanding section 1101, the level for “Dwight D. Eisenhower Memorial Commission, Salaries and Expenses” shall be \$0.

SEC. 1748. Notwithstanding section 1101, the level for “Dwight D. Eisenhower Memorial Commission, Capital Construction” shall be \$0.

SEC. 1749. Section 409 of division A of Public Law 111-88 (123 Stat. 2957) is amended by striking “and 111-8” and inserting “111-8, and 111-88”, and by striking “2009” and inserting “2010”.

SEC. 1750. Notwithstanding section 1101, the level for section 415 of division A of Public Law 111-88 shall be \$0.

SEC. 1751. Notwithstanding section 1104, section 423 of division A of Public Law 111-88 (123 Stat. 2961), concerning the distribution of geothermal energy receipts, shall have no force or effect and the distribution formula contained in section 3003(a) of Public Law 111-212 (124 Stat. 2338) shall apply for fiscal year 2011.

SEC. 1752. Section 433 of division A of Public Law 111-88 (123 Stat. 2965) is amended by striking “2010” and “2009” and inserting “2011” and “2010”, respectively.

SEC. 1753. The Bureau of Land Management, Fish and Wildlife Service, National Park Service, and Forest Service may allocate either greater or lesser amounts than those otherwise specified in the project tables accompanying Public Laws 111-8 and 111-88 within the construction, land acquisition, or capital improvement and maintenance accounts when necessary to complete projects based on the original project scope or to utilize excess funds available after completion of a project on other projects within the same account, and in compliance with the reprogramming guidelines contained in the joint explanatory statement accompanying Public Law 111-88.

SEC. 1754. Section 7 of Public Law 99-647, as amended by section 702(d) of Public Law 109-338, is further amended by striking “5 years” and inserting “6 years”.

SEC. 1755. Not later than 30 days after the date of enactment of this division, each of the following departments and agencies shall submit to the House and Senate Committees on Appropriations a spending, expenditure, or operating plan for fiscal year 2011 at a level of detail below the account level:

- (1) Department of the Interior.
- (2) Environmental Protection Agency.
- (3) Department of Agriculture, Forest Service.
- (4) Indian Health Service.
- (5) Smithsonian Institution.

TITLE VIII—LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

(INCLUDING RESCISSION OF FUNDS)

SEC. 1801. (a) Notwithstanding section 1101, the level for “Department of Labor, Employment and Training Administration, Training and Employment Services” shall be \$1,864,148,000 plus reimbursements, of which:

(1) \$837,579,000 shall be available for obligation for the period July 1, 2011, through June 30, 2012, of which \$44,561,000 shall be available for pilots, demonstrations, and research activities and \$90,000,000 shall be available for reintegration of ex-offenders;

(2) \$1,026,569,000 shall be available for obligation for the period April 1, 2011, through June 30, 2012, for youth programs (including YouthBuild); and

(3) no funds shall be available for the Career Pathways Innovation Fund.

(b) Of the funds made available in division D of Public Law 111-117, \$125,000,000 appropriated for the Career Pathways Innovation Fund is rescinded.

(c) Notwithstanding section 1101, the level for “Department of Labor, Employment and Training Administration, Community Service Employment for Older Americans” shall be \$600,425,000, to remain available through June 30, 2012, and the first and second provisos under such heading in division D of Public Law 111-117 shall not apply to funds appropriated by this Act.

(d) Notwithstanding section 1101, the level which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund for administrative expenses of “Department of Labor, Employment and Training Administration, State Unemployment Insurance and Employment Service Operations” shall be \$4,024,490,000 (which includes all amounts available to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews), of which \$3,245,645,000 shall be available for unemployment compensation State operations, \$50,519,000 shall be available for Federal administration of foreign labor certifications, and \$15,129,000 shall be available for grants to States for the administration of such activities. For purposes of this section, the first proviso under such heading in division D of Public Law 111-117 shall be applied by substituting “2011” and “6,180,000” for “2010” and “5,059,000”, respectively.

SEC. 1802. Funds appropriated by section 1101 of this Act to the Department of Labor’s Employment and Training Administration for technical assistance services to grantees may be transferred to “Department of Labor, Employment and Training Administration, Program Administration” if it is determined that those services will be more efficiently performed by Federal staff.

SEC. 1803. Notwithstanding section 1101, the level for “Department of Labor, Mine Safety and Health Administration, Salaries and Expenses” shall be \$367,293,000, of which up to \$3,000,000 shall be available to the Secretary of Labor to be transferred to “Department of Labor to be transferred to “Department of Labor, Mine Safety and Health Administration, Salaries and Expenses” in division D of Public Law 111-117 shall be applied to funds appropriated in this Act during fiscal year 2011 by substituting “\$1,350,000” for “\$1,000,000”.

SEC. 1804. Funds appropriated by section 1101 of this Act for “Department of Labor, Bureau of Labor Statistics, Salaries and Expenses” may be obligated and expended to

implement an alternative approach to the Locality Pay Survey component of the National Compensation Survey, and for programs and activities in connection with the BLS restructuring of the way in which the Current Employment Statistics program produces State and metropolitan area data estimates.

(INCLUDING TRANSFER OF FUNDS)

SEC. 1805. (a) Notwithstanding any other provision of this Act, the amounts for “Department of Labor, Departmental Management, Salaries and Expenses” shall be \$379,827,000, together with not to exceed \$327,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

(b) From the amount available in (a), \$33,332,000 shall be used by the Secretary of Labor for the purposes of program evaluation, initiatives related to the identification and prevention of worker misclassification, and other worker protection activities, and may be transferred by the Secretary (in addition to any other transfer authority provided in this Act) to other agencies of the Department subject to 15-day advance notification of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 1806. Notwithstanding section 1101, the level for “Department of Labor, Departmental Management, Office of Job Corps” shall be \$1,027,205,000 (which may be administered within the Employment and Training Administration pursuant to section 108 of division D of Public Law 111-117), of which \$993,015,000 shall be available to meet the operational needs of Job Corps centers. Of appropriations made available in this Act for construction, rehabilitation, and acquisition of Job Corps centers, the Secretary of Labor may transfer up to 25 percent to meet the operational needs of Job Corps centers.

(INCLUDING TRANSFER OF FUNDS)

SEC. 1807. (a) The language under the “Working Capital Fund” heading in Public Law 85-67, as amended, is further amended by deleting: “*Provided further*, That within the Working Capital Fund,” through and including “, to be available without further appropriation action.”

(b) Funds collected pursuant to that authority shall be available for the Department of Labor’s acquisition workforce capacity and capabilities which may be transferred by the Secretary of Labor for that purpose to any other account in the Department (in addition to any other transfer authority provided in this Act).

SEC. 1808. (a) Notwithstanding section 1101, the level for “Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services” shall be \$7,177,914,000, of which:

(1) not more than \$100,000,000 shall be available until expended for carrying out the provisions of Public Law 104-73 and for expenses incurred by the Department of Health and Human Services pertaining to administrative claims made under such law;

(2) not less than \$2,010,759,000 shall remain available through September 30, 2013 for parts A and B of title XXVI of the Public Health Service Act (hereafter in this chapter, “PHS Act”), of which not less than \$912,894,000 shall be for State AIDS Drug Assistance Programs under the authority of section 2616 or 311(c) of such Act;

(3) not less than \$79,365,000 shall be available to carry out sections 747 and 767 of the PHS Act;

(4) not less than \$43,000,000 shall be available for oral health programs authorized under section 748 and subpart X of title III of the PHS Act; and

(5) not less than \$272,285,000 shall be available to carry out title VIII of the PHS Act.

(b) The eighteenth and nineteenth provisos under the heading “Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services” in division D of Public Law 111–117 shall not apply to funds appropriated by this Act.

(c) Sections 340G–1(d)(1) and (d)(2), 747(c)(2), and 751(j)(2) of the PHS Act, and the proportional funding amounts in paragraphs (1) through (4) of section 756(e) of such Act shall not apply to funds made available in this Act for “Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services”.

(d) For any program operating under section 751 of the PHS Act on or before January 1, 2009, the Secretary of Health and Human Services may waive any of the requirements contained in sections 751(d)(2)(A) and 751(d)(2)(B) of such Act.

SEC. 1809. (a) Notwithstanding section 1101, the level for the first paragraph under the heading “Department of Health and Human Services; Centers for Disease Control and Prevention; Disease Control, Research, and Training” shall be \$6,037,547,000, of which:

(1) \$12,000,000 shall remain available until expended for acquisition of real property, equipment, construction, and renovation of facilities, including necessary repairs and improvements to laboratories leased or operated by the Centers for Disease Control and Prevention;

(2) not less than \$382,152,000 shall be available for Business Support Services; and

(3) \$527,234,000 shall remain available until expended for the Strategic National Stockpile under section 319F–2 of the PHS Act.

(b) Paragraphs (1) through (3) of section 2821(b) of the PHS Act shall not apply to funds made available in this Act.

(c) Notwithstanding section 1101, funds appropriated for “Department of Health and Human Services; Centers for Disease Control and Prevention; Disease Control, Research, and Training” shall also be available to carry out title II of the Immigration and Nationality Act and sections 4001, 4004, 4201, and 4301 of the Patient Protection and Affordable Care Act.

(d) Notwithstanding section 1101 and the amount included immediately prior to the first proviso under the heading “Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research, and Training” of division D of Public Law 111–117, \$210,724,000 shall be available to carry out the activities of the National Institute for Occupational Safety and Health.

SEC. 1810. Notwithstanding section 1101, the level for “Department of Health and Human Services, National Institutes of Health, National Institute of Allergy and Infectious Diseases” shall be \$4,818,275,000: *Provided*, That none of these funds will be derived from funds transferred to the Public Health and Social Services Emergency Fund in Public Law 111–117.

SEC. 1811. (a) Notwithstanding section 1101, the level for “Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Substance Abuse and Mental Health Services” shall be \$3,416,311,000.

(b) The second proviso under the heading “Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Substance Abuse and Mental Health Services” in division D of Public Law 111–117 shall not apply to funds appropriated by this Act.

SEC. 1812. (a) Notwithstanding section 1101, the level for amounts transferred from the Federal Hospital Insurance and Supplementary Medical Insurance Trust Funds for “Department of Health and Human Services,

Centers for Medicare and Medicaid Services, Program Management” shall not exceed \$3,676,147,000, of which \$9,120,000 shall remain available through September 30, 2012, for Medicare contracting reform activities.

(b) Notwithstanding section 1101, funds appropriated for “Department of Health and Human Services; Centers for Medicare and Medicaid Services, Program Management” shall also be available to carry out the Patient Protection and Affordable Care Act.

(c) The amount under the second proviso under the heading “Department of Health and Human Services, Centers for Medicare and Medicaid Services, Program Management” in division D of Public Law 111–117 shall be applied to funds appropriated by this division by substituting “\$37,700,000” for “\$35,681,000”.

(d) The amount under the fourth proviso under the heading “Department of Health and Human Services, Centers for Medicare and Medicaid Services, Program Management” in division D of Public Law 111–117 shall be applied to funds appropriated by this division by substituting “not less than \$50,000,000” for “\$55,000,000”.

SEC. 1813. Notwithstanding section 1101, the level for “Department of Health and Human Services, Centers for Medicare and Medicaid Services, Health Care Fraud and Abuse Control” shall be \$471,000,000 which shall remain available through September 30, 2012, of which: (1) \$280,640,000 shall be for the Medicare Integrity Program at the Centers for Medicare & Medicaid Services, including administrative costs, to conduct oversight activities for Medicare Advantage and the Medicare Prescription Drug Program authorized in title XVIII of the Social Security Act and for activities listed in section 1893 of such Act; (2) \$79,657,000 shall be for the Department of Health and Human Services Office of Inspector General to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act; (3) \$35,100,000 shall be for the Medicaid and Children’s Health Insurance Program integrity activities; and (4) \$75,603,000 shall be for the Department of Justice to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act.

SEC. 1814. (a) Notwithstanding section 1101, the level for “Department of Health and Human Services, Administration for Children and Families, Low Income Home Energy Assistance” shall be \$4,850,000,000, of which \$4,509,672,000 shall be for payments under subsections (b) and (d) of section 2602 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621); and of which \$340,328,000 shall be for payments under subsection (e) of such Act, to be made notwithstanding the designation requirements of such subsection.

SEC. 1815. Notwithstanding section 1101, the level for “Department of Health and Human Services, Administration for Children and Families, Payments to States for the Child Care and Development Block Grant” shall be \$2,437,081,000: *Provided*, That in addition to the amounts required to be reserved by the States under section 658G of the Child Care and Development Block Grant Act of 1990, \$310,958,000 shall be reserved by the States for activities authorized under section 658G, of which \$114,040,000 shall be for activities that improve the quality of infant and toddler care: *Provided further*, That of funds available for child care resource and referral and school-aged child care activities, \$1,000,000 shall be available to the Secretary of Health and Human Services for a competitive grant for a toll free hotline and website to help parents access child care in their local community and to develop and disseminate consumer education information for parents.

SEC. 1816. (a) Notwithstanding section 1101, the level for “Department of Health and Human Services, Administration for Children and Families, Children and Families Services Programs” shall be \$9,615,121,000, of which—

(1) \$44,500,000 shall be for grants to States for adoption incentive payments as authorized by section 473A of the Social Security Act;

(2) \$7,574,783,000 shall be for making payments under the Head Start Act: *Provided*, That for purposes of allocating such funds under the Head Start Act, the term “base grant” as used in subsection (a)(7)(A) of section 640 of such Act with respect to funding provided to a Head Start agency (including each Early Head Start agency) for fiscal year 2010 shall be deemed to include 50 percent of the funds appropriated under “Department of Health and Human Services, Administration for Children and Families, Children and Family Services Programs” in Public Law 111–5 and provided to such agency for carrying out expansion of Head Start programs, as that phrase is used in subsection (a)(4)(D) of such section 640, and provided to such agency as the ongoing funding level for operations in the 12 month budget period beginning in fiscal year 2010; and

(3) \$36,000,000 shall be for section 680(a)(2) of the CSBG Act.

(b) Notwithstanding section 611(d)(1) of title VI of division G of Public Law 110–161, the National Commission on Children and Disasters shall terminate on October 1, 2011.

SEC. 1817. Notwithstanding section 1101, the level for “Department of Health and Human Services, Administration on Aging, Aging Services Programs” shall be \$1,545,246,000, of which \$462,822,000 shall be for congregate nutrition, \$228,560,000 shall be for home-delivered nutrition, and \$29,708,000 shall be for Native American nutrition: *Provided*, That funds appropriated for “Department of Health and Human Services, Administration on Aging, Aging Services Programs” shall also be available to carry out subtitle B of title XX of the Social Security Act and for necessary administrative expenses to carry out title XVII of the PHS Act: *Provided further*, That amounts otherwise available in this Act to carry out activities relating to Aging and Disability Resource Centers, under subsections (a)(20)(B)(iii) and (b)(8) of section 202 of the Older Americans Act of 1965, shall be reduced by any amounts made available for fiscal year 2011 for such purposes under section 2405 of the Patient Protection and Affordable Care Act.

SEC. 1818. Notwithstanding section 1101, the level for “Department of Health and Human Services, Office of the Secretary, General Departmental Management” from the General Fund shall be \$490,727,000: *Provided*, That amounts included under such heading in division D of Public Law 111–117 shall be applied to funds appropriated by this division by substituting “\$0” for “\$5,789,000”: *Provided further*, That none of the funds made available in this Act shall be for carrying out activities specified under section 2003(b)(2) or (3) of the PHS Act: *Provided further*, That the second, fifth and sixth provisos under such heading in division D of Public Law 111–117 shall not apply to funds appropriated by this division.

SEC. 1819. (a) Notwithstanding section 1101, the level for “Department of Health and Human Services, Office of the Secretary, Public Health and Social Services Emergency Fund” shall be \$718,520,000, 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, and \$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: *Provided*, That in addition, \$476,194,000 of the funds transferred to the account under the heading "Department of Health and Human Services, Office of the Secretary, Public Health and Social Services Emergency Fund" in Public Law 111-117 under the fourth paragraph under such heading may be used to support advanced research and development pursuant to section 319L of the PHS Act and other administrative expenses of the Biomedical Advanced Research and Development Authority.

(b) Of the amounts provided under the heading "Department of Health and Human Services, Office of the Secretary, Public Health and Social Services Emergency Fund" in Public Laws 111-8 and 111-117 and available for expenses necessary to prepare for and respond to an influenza pandemic, \$170,000,000 may also be used—

(1) to plan, conduct, and support research to advance regulatory science to improve the ability to determine safety, effectiveness, quality, and performance of medical countermeasure products against chemical, biological, radiological, and nuclear agents including influenza virus; and

(2) to analyze, conduct, and improve regulatory review and compliance processes for such products.

SEC. 1820. Of the funds made available for "Department of Health and Human Services, Office of the Secretary, Public Health and Social Services Emergency Fund" in Public Law 111-32, \$1,259,000,000 is rescinded, to be derived only from those amounts which have not yet been designated by the President as emergency funds.

SEC. 1821. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That with respect to appropriations in this Act for "Health Resources and Services", "Disease Control, Research, and Training", and "Substance Abuse and Mental Health Services", no transfer of funds under this section may decrease any individual program, project, or activity by more than 1 percent or increase any program, project, or activity by more than 3 percent: *Provided further*, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate shall be notified not less than 15 days in advance of any transfer under this section, with such notification to include an explanation of the effects of the proposed transfer by program, project, and activity.

SEC. 1822. Hereafter, no funds appropriated in this or any previous or subsequent Act shall be subject to the allocation requirements of section 1707A(e) of the PHS Act.

SEC. 1823. Hereafter, no funds appropriated in this or any previous or subsequent Act shall be available for transfer under section 274 of the PHS Act.

SEC. 1824. Notwithstanding section 1101, the level for "Department of Education, Education for the Disadvantaged" shall be \$5,056,036,000 of which \$4,938,056,000 shall be available on July 1, 2011 and remain available through September 30, 2012, of which—

(1) \$300,712,000 available on July 1, 2011 through September 30, 2012 shall be for targeted grants under section 1124A of the Elementary and Secondary Education Act ("ESEA");

(2) \$300,712,000 available on July 1, 2011 through September 30, 2012 shall be for education finance incentive grants under section 1125A of the ESEA;

(3) the sixth proviso shall be applied to funds available within this level by substituting "\$8,167,000" for "\$9,167,000"; and

(4) the tenth proviso shall be applied to funds available within this level by substituting "\$200,000,000" for "\$250,000,000".

SEC. 1825. For purposes of this division, the proviso under the heading "Department of Education, Impact Aid" in division D of Public Law 111-117 shall be applied by substituting "2010-2011" for "2009-2010".

SEC. 1826. Notwithstanding section 1101, the level for "Department of Education, School Improvement Programs" shall be \$3,391,791,000, of which \$3,211,244,000 shall be available on July 1, 2011, and remain available through September 30, 2012, \$5,000,000 shall become available on the date of enactment of this Act for a national teacher recruitment campaign, \$26,928,000 shall be available to carry out part D of title V of the Elementary and Secondary Education Act ("ESEA"), for purposes of this section, up to \$11,500,000 of the funds available for the Foreign Language Assistance Program shall be available for activities described in the twelfth proviso under such heading in division D of Public Law 111-117, no funds shall be available for subparts 1 and 2 of part D of title II of the ESEA and the fifth and sixth provisos under this heading in division D of Public Law 111-117 shall not apply to funds available in this division.

SEC. 1827. (a) Notwithstanding section 1101, the level for "Department of Education, Innovation and Improvement" shall be \$1,708,989,000, of which \$450,000,000 shall be available on July 1, 2011, and remain available through September 30, 2012.

(b) From the amount available under (a), \$331,982,000 shall be available to carry out part D of title V of the Elementary and Secondary Education Act of 1965, including \$250,000,000 of such funds for activities described in the sixth through eleventh provisos under such heading in division D of Public Law 111-117, not more than \$300,000,000 may be used to make awards under section 14007 of division A of Public Law 111-5 and not more than \$450,000,000 available on July 1, 2011 through September 30, 2012 may be used to make awards to States under section 14006 of division A of Public Law 111-5 in accordance with the applicable requirements of that section.

(c) The first proviso under the heading "Department of Education, Innovation and Improvement" in division D of Public Law 111-117 shall be applied by substituting "\$10,797,000 shall be used to carry out section 2151(c) of the ESEA" for the existing text.

(d) The seventeenth and eighteenth provisos under the heading "Department of Education, Innovation and Improvement" in division D of Public Law 111-117 shall not apply to funds appropriated by this division.

SEC. 1828. Notwithstanding section 1101, the level for "Department of Education, Safe Schools and Citizenship Education" shall be \$396,053,000, of which:

(1) \$35,000,000 for subpart 3 of part C of title II of the Elementary and Secondary Education Act of 1965 ("ESEA") shall be available to the Secretary of Education for competitive grants to nonprofit organizations that have demonstrated effectiveness in the development and implementation of civic learning programs, with priority for those programs that demonstrate innovation,

scalability, accountability, and a focus on underserved populations;

(2) \$207,053,000 shall be available for subpart 2 of part A of title IV of the ESEA;

(3) \$154,000,000 shall be available to carry out part D of title V of the ESEA; and

(4) no funds shall be available for activities authorized under subpart 3 of part D of title V of the ESEA.

SEC. 1829. (a) Notwithstanding section 1101, the level for "Department of Education, Special Education" shall be \$4,194,652,000, of which \$3,926,354,000 shall become available on July 1, 2011 and remain available through September 30, 2012, and of which \$3,112,828,000 available on July 1, 2011 shall be for State grants authorized under section 611 of part B of the Individuals with Disabilities Education Act.

(b) Notwithstanding section 1101, the last proviso under such heading shall be applied by substituting "2010" for "2009".

SEC. 1830. Notwithstanding section 1101, the level for "Department of Education, Rehabilitation Services and Disability Research" shall be \$3,500,375,000.

SEC. 1831. Notwithstanding section 1101, the level for "Department of Education, National Technical Institute for the Deaf" shall be \$65,677,000, of which \$240,000 shall be available for construction.

SEC. 1832. (a) Notwithstanding section 1101, the level for "Department of Education; Career, Technical, and Adult Education" shall be \$1,106,541,000.

(b) For the purposes of this section, the first, second and third provisos under the heading "Department of Education; Career, Technical and Adult Education" in division D of Public Law 111-117 shall not apply to funds appropriated by this Act.

(INCLUDING RESCISSION OF FUNDS)

SEC. 1833. (a) Notwithstanding section 1101, the level for "Department of Education, Student Financial Assistance" shall be \$24,899,957,000.

(b) The maximum Pell Grant for which a student shall be eligible during award year 2011-2012 shall be \$4,860.

(c) Of the funds made available under section 401A(e)(1)(E) of the Higher Education Act of 1965, \$561,000,000 are rescinded.

SEC. 1834. Notwithstanding sections 1101 and 1103, the level for "Department of Education, Student Aid Administration" shall be \$994,000,000, which shall remain available through September 30, 2012.

SEC. 1835. Notwithstanding section 1101, the level for "Department of Education, Higher Education" shall be \$2,133,802,000, of which no funds shall be available for Erma Byrd Scholarships.

SEC. 1836. Notwithstanding section 1101, the level for "Department of Education, Historically Black College and University Capital Financing Program Account" shall be \$20,582,000: *Provided*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$279,393,000.

SEC. 1837. (a) Notwithstanding section 1101, the level for "Department of Education, Institute of Education Sciences" shall be \$653,006,000.

(b) Notwithstanding subsections (d) and (e) of section 174 of the Education Sciences Reform Act of 2002, \$69,650,000 may be used to continue the contracts for the Regional Educational Laboratories for one additional year.

SEC. 1838. Notwithstanding section 1101, the level for "Corporation for National and Community Service, National Service Trust" shall be \$219,659,000.

SEC. 1839. Notwithstanding section 1101, the level for "Corporation for Public Broadcasting" for fiscal year 2011 shall be

\$20,000,000 and shall not be available for fiscal stabilization grants and the public radio interconnection system.

SEC. 1840. Notwithstanding section 1101, the level for the National Health Care Workforce Commission as authorized by section 5101 of the Patient Protection and Affordable Care Act, as amended, shall be \$3,000,000.

SEC. 1841. Notwithstanding section 1101, the level for "Institute of Museum and Library Services, Office of Museum and Library Services: Grants and Administration" shall be \$265,869,000.

SEC. 1842. Notwithstanding section 1101, the level for "Medicare Payment Advisory Commission, Salaries and Expenses" shall be \$12,450,000.

SEC. 1843. Notwithstanding section 1101, the level for "Railroad Retirement Board, Dual Benefits Payments Account" shall be \$57,000,000.

(INCLUDING RESCISSION OF FUNDS)

SEC. 1844. (a) Notwithstanding section 1101, the level for "Social Security Administration, Payments to Social Security Trust Funds" shall be \$21,404,000, and in addition may be used to carry out section 217(g) of the Social Security Act.

(b) Notwithstanding section 1101, the level for the first paragraph under the heading "Social Security Administration, Limitation on Administrative Expenses" shall be \$11,150,500,000.

(c) Notwithstanding section 1101, the level for the fourth paragraph under the heading "Social Security Administration, Limitation on Administrative Expenses" shall be \$186,000,000.

(d) Notwithstanding section 1101, the level for the fifth paragraph under the heading "Social Security Administration, Limitation on Administrative Expenses" shall be \$500,000.

(e) Notwithstanding section 1101, the level for the first paragraph under the heading "Social Security Administration, Supplemental Security Income Program" shall be \$40,092,941,000, of which \$3,602,941,000 shall be for administrative expenses.

(f) Upon enactment of this Act, up to \$400,000,000 of the remaining unobligated balances of funds appropriated for "Social Security Administration, Limitation on Administrative Expenses" for fiscal years 2010 and prior years (other than funds appropriated in Public Law 111-5) shall be made part of and merged with other funds in such account available without fiscal year limitation for investment in information technology and telecommunications hardware and software infrastructure, and of such funds available without fiscal year limitation for investment in information technology and telecommunications hardware and software infrastructure \$400,000,000 are rescinded.

TITLE IX—LEGISLATIVE BRANCH

SEC. 1901. Notwithstanding section 1101, the level for each of the following accounts of the Senate shall be as follows: "Salaries, Officers and Employees", \$185,982,000; "Salaries, Officers and Employees, Office of the Sergeant at Arms and Doorkeeper", \$77,000,000; "Contingent Expenses of the Senate, Secretary of the Senate", \$6,200,000, of which \$4,200,000 shall remain available until September 30, 2015; and "Contingent Expenses of the Senate, Sergeant at Arms and Doorkeeper of the Senate", \$142,401,000.

SEC. 1902. Notwithstanding section 1101, the level for each of the following accounts of the Senate under the heading "Contingent Expenses of the Senate" shall be as follows: "Miscellaneous Items", \$21,145,000; "Senators' Official Personnel and Office Expense Account", \$410,000,000: *Provided*, That each Senator's official personnel and office expense allowance (including the allowance for

administrative and clerical assistance, the salaries allowance for legislative assistance to Senators, as authorized by the Legislative Branch Appropriation Act, 1978 (Public Law 95-94), and the office expense allowance for each Senator's office for each State) in effect immediately before the date of enactment of this section shall be reduced by 5 percent.

SEC. 1903. Of the unobligated amounts appropriated for fiscal year 2009 under the heading "Senate", \$33,500,000 are rescinded.

SEC. 1904. Section 8 of the Legislative Branch Appropriations Act, 1990 (31 U.S.C. 1535 note) is amended by striking paragraph (3) and inserting the following:

"(3) Agreement under paragraph (1) shall be in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate."

SEC. 1905. Notwithstanding section 1101, the level for "House of Representatives, Salaries and Expenses" shall be \$1,288,299,072.

SEC. 1906. Notwithstanding section 1101, the level for "House of Representatives, House Leadership Offices" shall be \$24,861,969, and the levels under that heading shall be as follows:

(1) For the Office of the Speaker, \$4,877,851.

(2) For the Office of the Majority Floor Leader, \$2,432,808.

(3) For the Office of the Minority Floor Leader, \$4,378,238.

(4) For the Office of the Majority Whip, \$2,105,373.

(5) For the Office of the Minority Whip, \$1,628,873.

(6) For the Speaker's Office for Legislative Floor Activities, \$497,619.

(7) For the Republican Steering Committee, \$940,674.

(8) For the Republican Conference, \$1,679,970.

(9) For the Republican Policy Committee, \$344,485.

(10) For the Democratic Steering and Policy Committee, \$1,319,273.

(11) For the Democratic Caucus, \$1,659,696.

(12) For nine minority employees, \$1,487,455.

(13) For the training and program development—majority, \$277,807.

(14) For the training and program development—minority, \$277,439.

(15) For Cloakroom Personnel—majority, \$477,469.

(16) For Cloakroom Personnel—minority, \$476,939.

SEC. 1907. Notwithstanding section 1101, the level for "House of Representatives, Members' Representational Allowances" shall be \$613,052,000.

SEC. 1908. Notwithstanding section 1101, the level for "House of Representatives, Committee Employees, Standing Committees, Special and Select" shall be \$132,449,103, the period of applicability referred to in the proviso under that heading shall be December 31, 2012, and none of the funds made available under that heading may be used for committee room upgrading.

SEC. 1909. Notwithstanding section 1101, the level for "House of Representatives, Committee on Appropriations" shall be \$28,483,000, and the period of applicability referred to in the proviso under that heading shall be December 31, 2012.

SEC. 1910. Notwithstanding section 1101, the level for "House of Representatives, Salaries, Officers and Employees" shall be \$184,386,000, and the level under that heading—

(1) for the Office of the Clerk shall be \$26,568,000;

(2) for the Office of the Sergeant at Arms shall be \$8,221,000; and

(3) for the Office of the Chief Administrative Officer shall be \$121,676,000.

SEC. 1911. Notwithstanding section 1101, the level for "House of Representatives, Al-

lowances and Expenses" shall be \$305,067,000, and the level under that heading—

(1) for employee tuition assistance benefit payments shall be \$0;

(2) for employee child care benefit payments shall be \$0;

(3) for Business Continuity and Disaster Recovery shall be \$17,000,000, of which \$5,000,000 shall remain available until expended;

(4) for the Wounded Warrior Program shall be \$2,000,000; and

(5) for Energy Demonstration Projects shall be \$0.

SEC. 1912. Notwithstanding section 1101, the level under the heading "Office of the Attending Physician" under the heading "Joint Items" shall be \$3,407,000 and the amount for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician shall be \$2,426,000.

SEC. 1913. Notwithstanding section 1101, the level for "Capitol Police, Salaries" shall be \$276,287,000.

SEC. 1914. Notwithstanding section 1101, the level for "Capitol Police, General Expenses" shall be \$57,985,000.

SEC. 1915. Notwithstanding section 1101, the level for "Office of Compliance, Salaries and Expenses" shall be \$4,085,150.

SEC. 1916. Notwithstanding section 1101, the level for "Congressional Budget Office, Salaries and Expenses" shall be \$46,905,000.

SEC. 1917. Notwithstanding section 1101, the level and period of availability for each item under the heading "Architect of the Capitol" shall be determined in accordance with an allocation plan submitted by the Architect of the Capitol and approved by the Committees on Appropriations of the House of Representatives and Senate, except that—

(1) the aggregate level for all items under that heading may not exceed \$579,665,000; and

(2) no amounts may remain available for any item under such plan beyond September 30, 2015.

SEC. 1918. Of the unobligated amounts appropriated under the heading "Architect of the Capitol" from prior year appropriations for the Capitol Visitors Center project, \$20,000,000 are rescinded.

SEC. 1919. Notwithstanding section 1101, the level for "Library of Congress, Salaries and Expenses" shall be \$441,201,000, and the amount applicable under the fifth, sixth, and seventh provisos under that heading shall be \$0.

SEC. 1920. Notwithstanding section 1101, the level for "Library of Congress, Copyright Office, Salaries and Expenses" shall be \$55,476,000, of which not more than \$31,751,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2011 under section 708(d) of title 17, United States Code, and the amount applicable under the third proviso under such heading shall be \$37,612,000.

SEC. 1921. Notwithstanding section 1101, the level for "Library of Congress, Congressional Research Service, Salaries and Expenses" shall be \$111,240,000.

SEC. 1922. Notwithstanding section 1101, the level for "Library of Congress, Books for the Blind and Physically Handicapped, Salaries and Expenses" shall be \$68,442,000.

SEC. 1923. Notwithstanding section 1101, the level for "Government Printing Office, Government Printing Office Revolving Fund" shall be \$3,659,000.

SEC. 1924. (a) Section 309(c) of the Legislative Branch Appropriations Act, 1999 (44 U.S.C. 305 note) is amended by striking paragraph (5).

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 1999.

SEC. 1925. Notwithstanding section 1101, the level for “Government Accountability Office, Salaries and Expenses” shall be \$547,849,000, the amount applicable under the first proviso under that heading shall be \$9,400,000, the amount applicable under the second proviso under that heading shall be \$3,100,000, and the amount applicable under the third proviso under that heading shall be \$7,000,000.

TITLE X—MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES

SEC. 2001. Notwithstanding section 1101, the level for each of the following accounts of the Department of Defense for funding, including incremental funding, of programs, projects and activities authorized in division B of Public Law 111–383, excluding funds designated by section 1110 of this division, shall be as follows: “Military Construction, Army”, \$3,793,598,000; “Military Construction, Navy and Marine Corps”, \$3,258,020,000; “Military Construction, Air Force”, \$1,214,295,000; “Military Construction, Defense-Wide”, \$2,833,062,000; “Military Construction, Army National Guard”, \$873,664,000; “Military Construction, Air National Guard”, \$194,986,000; “Military Construction, Army Reserve”, \$318,175,000; “Military Construction, Navy Reserve”, \$61,557,000; and “Military Construction, Air Force Reserve”, \$7,832,000.

SEC. 2002. Notwithstanding section 1101, the level for each of the following accounts of the Department of Defense shall be as follows: “Family Housing Construction, Army”, \$92,369,000; “Family Housing Construction, Navy and Marine Corps”, \$186,444,000; “Family Housing Construction, Air Force”, \$78,025,000; “Family Housing Construction, Defense-Wide”, \$0; and “Family Housing Improvement Fund”, \$1,096,000.

SEC. 2003. Notwithstanding section 1101, the level for each of the following accounts of the Department of Defense shall be as follows: “North Atlantic Treaty Organization Security Investment Program”, \$258,884,000; “Homeowners Assistance Fund”, \$16,515,000; “Chemical Demilitarization Construction, Defense-Wide”, \$124,971,000; “Department of Defense Base Closure Account 1990”, \$360,474,000; and “Department of Defense Base Closure Account 2005”, \$2,354,285,000.

SEC. 2004. Notwithstanding section 1101, the level for each of the following accounts of the Department of Defense shall be as follows: “Family Housing Operation and Maintenance, Army”, \$518,140,000; “Family Housing Operation and Maintenance, Navy and Marine Corps”, \$366,346,000; “Family Housing Operation and Maintenance, Air Force”, \$513,792,000; and “Family Housing Operation and Maintenance, Defense-Wide”, \$50,464,000.

SEC. 2005. Notwithstanding any other provision of this division, the following provisions included in title I of division E of Public Law 111–117 shall not apply to funds made available by this division: the first, second, and last provisos, and the set-aside of \$350,000,000, under the heading “Military Construction, Army”; the first and last provisos under the heading “Military Construction, Navy and Marine Corps”; the first, second, and last provisos under the heading “Military Construction, Air Force”; the second, third, fourth, and last provisos under the heading “Military Construction, Defense-Wide”, the first, second and last provisos, and the set-aside of \$30,000,000, under the heading “Military Construction, Army National Guard”; the first, second, and last provisos, and the set-aside of \$30,000,000, under the heading “Military Construction, Air National Guard”; the first, second, and last provisos, and the set-aside of \$30,000,000, under the heading “Military Construction,

Army Reserve”; the first, second, and last provisos, the set-aside of \$20,000,000, and the set-aside of \$35,000,000, under the heading “Military Construction, Navy Reserve”; the first, second, and last provisos, and the set-aside of \$55,000,000, under the heading “Military Construction, Air Force Reserve”; the proviso under the heading “Family Construction, Army”; the proviso under the heading “Family Housing Construction, Navy and Marine Corps”; the proviso under the heading “Family Housing Construction, Air Force”; the proviso under the heading “Family Housing Construction, Defense-Wide”; and the proviso under the heading “Chemical Demilitarization Construction, Defense-Wide”.

SEC. 2006. (a) Of the funds made available in title II of division E of Public Law 111–117, the following amounts which became available on October 1, 2010 are hereby rescinded from the following accounts in the amounts specified:

“Medical Services”, Department of Veterans Affairs, \$1,000,000,000;

“Medical Support and Compliance”, Department of Veterans Affairs, \$200,000,000; and

“Medical Facilities”, Department of Veterans Affairs, \$350,000,000.

(b) In addition to amounts provided elsewhere in this Act, an additional amount is appropriated to the following accounts in the amounts specified, to remain available until September 30, 2012:

“Medical Services”, Department of Veterans Affairs, \$1,000,000,000;

“Medical Support and Compliance”, Department of Veterans Affairs, \$200,000,000; and

“Medical Facilities”, Department of Veterans Affairs, \$350,000,000.

SEC. 2007. Notwithstanding section 1101, the level for “Department of Veterans Affairs, Departmental Administration, General Operating Expenses” shall be \$2,546,276,000, of which not less than \$2,148,776,000 shall be for the Veterans Benefits Administration.

SEC. 2008. Notwithstanding section 1101, the level for “Department of Veterans Affairs, Departmental Administration, Information Technology Systems” shall be \$3,146,898,000.

SEC. 2009. Notwithstanding section 1101, the level for “Department of Veterans Affairs, Departmental Administration, Construction, Major Projects” shall be \$1,151,036,000: *Provided*, That not later than 30 days after the date of the enactment of this section, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of the House of Representatives and the Senate a spending plan for fiscal year 2011 at a level of detail below the account level: *Provided further*, That the last proviso included in title I of division E of Public Law 111–117 under the heading “Department of Veterans Affairs, Departmental Administration, Construction, Major Projects” shall not apply to funds appropriated by this division.

SEC. 2010. Notwithstanding section 1101, the level for “Department of Veterans Affairs, Departmental Administration, Construction, Minor Projects” shall be \$467,700,000.

SEC. 2011. Notwithstanding section 1101, the level for “Department of Veterans Affairs, Departmental Administration, Grants for Construction of State Extended Care Facilities” shall be \$85,000,000.

SEC. 2012. Notwithstanding section 1101, the level for “American Battle Monuments Commission, Salaries and Expenses” shall be \$64,200,000, to remain available until expended.

SEC. 2013. Notwithstanding section 1101, the level for “Department of Defense—Civil,

Cemeterial Expenses, Army, Salaries and Expenses” shall be \$45,100,000.

SEC. 2014. Notwithstanding section 1101, the level for “Armed Forces Retirement Home, Trust Fund” shall be \$71,200,000, of which \$2,000,000 shall be for construction and renovation of physical plants.

SEC. 2015. Notwithstanding any other provision of this division, the following provisions included in title IV of division E of Public Law 111–117 shall not apply to funds appropriated by this division: the proviso under “Military Construction, Army” and the proviso under “Military Construction, Air Force”.

SEC. 2016. Of the funds made available for “Military Construction, Defense-Wide” in title I of division E of Public Law 110–329, \$23,000,000 are rescinded.

SEC. 2017. Of the funds made available for “Military Construction, Defense-Wide” in title I of division E of Public Law 111–117, \$125,500,000 are rescinded.

SEC. 2018. Of the funds made available for “Military Construction, Army” in title I of division E of Public Law 111–117, \$263,000,000 are rescinded.

SEC. 2019. 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 are rescinded.

SEC. 2020. Of the funds made available for “Military Construction, Air Force” in title I of division E of Public Law 111–117, \$87,000,000 are rescinded.

SEC. 2021. 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 are rescinded.

SEC. 2022. Of the funds designated by section 1110 of this division, funds available for the Department of Defense shall be as follows: “Military Construction, Army”, \$981,346,000; “Military Construction, Air Force”, \$195,006,000; and “Military Construction, Defense-Wide”, \$46,500,000.

SEC. 2023. Of the amounts appropriated to the Department of Veterans Affairs for fiscal year 2011 for “Medical services”, “Medical support and compliance”, “Medical facilities”, “Construction, minor projects”, and “Information technology systems”, up to \$235,360,000, plus reimbursements, may be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of title XVII of division A of Public Law 111–84 and may be used for operation of the facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417: *Provided*, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

SEC. 2024. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, for health care provided at facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417 shall also be available: (1) for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of Public Law 111–84; and (2) for operations of the facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417.

SEC. 2025. Of the funds made available for "Department of Veterans Affairs, Departmental Administration, Information technology systems" in division E of Public Law 111-117, \$147,000,000 are rescinded.

SEC. 2026. Of the amounts appropriated or otherwise made available under the following headings in title X of division A of Public Law 111-5, the following amounts associated with unobligated balances are hereby rescinded: "Military Construction, Army", \$9,400,000; "Military Construction, Navy", \$22,700,000; "Military Construction, Air Force", \$9,000,000; and "Military Construction, Defense-Wide", \$92,900,000.

SEC. 2027. Of the unobligated balances available under "Department of Veterans Affairs, Construction, Major Projects" from prior appropriations Acts, \$75,000,000 are hereby rescinded.

SEC. 2028. In the Senate, section 902 of Public Law 111-212, the Supplemental Appropriations Act, 2010, shall be subject to section 3002 of that Act and accordingly is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

TITLE XI—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS

SEC. 2101. For purposes of this division, the term "division F of Public Law 111-117" means the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111-117).

SEC. 2102. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: "Administration of Foreign Affairs, Diplomatic and Consular Programs", \$8,936,000,000, of which \$1,535,500,000 is for Worldwide Security Protection (to be available until expended); "Administration of Foreign Affairs, Capital Investment Fund", \$97,000,000; "Administration of Foreign Affairs, Educational and Cultural Exchange Programs", \$625,000,000; "Administration of Foreign Affairs, Representation Allowances", \$7,499,000; "Administration of Foreign Affairs, Payment to the American Institute in Taiwan", \$21,150,000; and "Administration of Foreign Affairs, Civilian Stabilization Initiative", \$33,499,000.

SEC. 2103. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: "International Organizations, Contributions to International Organizations", \$1,545,000,000; "International Organizations, Contributions for International Peacekeeping Activities", \$2,095,000,000; "Related Programs, United States Institute of Peace", \$39,499,000, which shall not be used for construction activities; "Related Programs, East-West Center", \$21,000,000; and "International Commissions, International Fisheries Commissions", \$50,500,000.

SEC. 2104. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: "International Commissions, International Boundary and Water Commission, United States and Mexico, Salaries and Expenses", \$43,300,000; "International Commissions, International Boundary and Water Commission, United States and Mexico, Construction", \$26,500,000; "Related Programs, The Asia Foundation", \$17,900,000; "Other Commissions, United States Commission on International Religious Freedom, Salaries and Expenses", \$4,050,000; "Other Commissions, Congressional-Executive Commission on the People's Republic of China, Salaries and Expenses", \$1,900,000; and "Other Commissions, United States-China Economic and Security Review Commission", \$3,300,000.

SEC. 2105. Notwithstanding section 1101, the level for the following accounts shall be as follows: "Related Agency, Broadcasting Board of Governors, International Broadcasting Operations", \$733,499,000; and "Related Agency, Broadcasting Board of Governors, Broadcasting Capital Improvements", \$6,875,000.

SEC. 2106. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: "United States Agency for International Development, Funds Appropriated to the President, Operating Expenses", \$1,385,499,000; "United States Agency for International Development, Funds Appropriated to the President, Civilian Stabilization Initiative", \$10,000,000; "United States Agency for International Development, Funds Appropriated to the President, Capital Investment Fund", \$165,000,000; and "United States Agency for International Development, Funds Appropriated to the President, Office of Inspector General", \$45,000,000.

SEC. 2107. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: "Bilateral Economic Assistance, Funds Appropriated to the President, Development Assistance", \$2,500,000,000; "Bilateral Economic Assistance, Funds Appropriated to the President, Complex Crises Fund", \$45,000,000; "Bilateral Economic Assistance, Funds Appropriated to the President, Assistance for Europe, Eurasia and Central Asia", \$697,134,000; "Bilateral Economic Assistance, Independent Agencies, Peace Corps", \$395,000,000; and "Bilateral Economic Assistance, Independent Agencies, Millennium Challenge Corporation", \$900,000,000.

SEC. 2108. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: "Bilateral Economic Assistance, Funds Appropriated to the President, Economic Support Fund", \$6,250,000,000; "Bilateral Economic Assistance, Funds Appropriated to the President, Democracy Fund", \$115,000,000; "Department of the Treasury, International Affairs Technical Assistance", \$25,919,000; and "Department of the Treasury, Debt Restructuring", \$56,000,000.

SEC. 2109. Notwithstanding section 1101, the level for the following account shall be as follows: "Bilateral Economic Assistance, Funds Appropriated to the President, International Disaster Assistance", \$879,000,000.

SEC. 2110. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: "International Security Assistance, Department of State, International Narcotics Control and Law Enforcement", \$1,565,000,000; "International Security Assistance, Department of State, Non-proliferation, Anti-terrorism, Demining and Related Programs", \$740,000,000; and "International Security Assistance, Department of State, Peacekeeping Operations", \$305,000,000. *Provided*, That division F of Public Law 111-117 shall be applied to funds appropriated by this division under the heading "Peacekeeping Operations" by adding the following at the end: "": *Provided further*, That funds appropriated under this heading should not be used to support any military training or operations that include child soldiers".

SEC. 2111. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: "International Security Assistance, Funds Appropriated to the President, Pakistan Counterinsurgency Capability Fund", \$700,000,000, which shall remain available until September 30, 2012, and shall be available to the Secretary of State under the terms and conditions provided for this Fund in title XI of Public Law 111-32 and section 1005 of Public Law 111-212; "Inter-

national Security Assistance, Funds Appropriated to the President, Foreign Military Financing Program", \$5,365,000,000, 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, \$300,000,000 shall be available for assistance for Jordan, and up to \$45,000,000 shall be available for assistance for Colombia: *Provided*, That the dollar amount in the fourth proviso under the heading "International Security Assistance, Funds Appropriated to the President, Foreign Military Financing Program" in division F of Public Law 111-117 shall be deemed to be \$789,000,000 for the purpose of applying funds appropriated under such heading by this division.

SEC. 2112. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: "Multilateral Assistance, Funds Appropriated to the President, International Organizations and Programs", \$369,000,000; "Multilateral Assistance, Funds Appropriated to the President, Global Environment Facility", \$125,499,000; "Multilateral Assistance, Funds Appropriated to the President, International Financial Institutions, Contribution to the International Development Association", \$1,235,000,000; "Multilateral Assistance, Funds Appropriated to the President, Contribution to the Clean Technology Fund", \$250,000,000; "Multilateral Assistance, Funds Appropriated to the President, Contribution to the Strategic Climate Fund", \$85,000,000; "Multilateral Assistance, Funds Appropriated to the President, Contribution to the Inter-American Development Bank, Inter-American Investment Corporation", \$21,000,000; "Multilateral Assistance, Funds Appropriated to the President, International Financial Institutions, Contribution to the African Development Fund", \$125,000,000; and "Multilateral Assistance, Funds Appropriated to the President, International Financial Institutions, International Fund for Agricultural Development", \$29,500,000.

SEC. 2113. Notwithstanding section 1101, for payment as a contribution to a global food security fund by the Secretary of the Treasury, \$200,000,000, to remain available until expended.

SEC. 2114. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: "Export and Investment Assistance, Overseas Private Investment Corporation, Program Account", \$18,115,000; and "Export and Investment Assistance, Funds Appropriated to the President, Trade and Development Agency", \$51,252,000.

SEC. 2115. For purposes of the amount made available by this division for "Export and Investment Assistance, Export-Import Bank of the United States, Administrative Expenses", project specific transaction costs, including direct and indirect costs incurred in claims settlements, and other costs for systems infrastructure directly supporting transactions, shall not be considered administrative expenses.

SEC. 2116. (a) Notwithstanding section 1101, the amounts included under the heading "Administration of Foreign Affairs, Embassy Security, Construction and Maintenance" in division F of Public Law 111-117 shall be applied to funds appropriated by this division as follows: by substituting "\$835,000,000" for "\$876,850,000" in the first paragraph; and by substituting "\$795,000,000" for "\$847,300,000" in the second paragraph.

(b) Notwithstanding section 1101, the amounts included under the heading "Bilateral Economic Assistance, Funds Appropriated to the President, Development Credit Authority" in division F of Public Law 111-117 shall be applied to funds appropriated by this division as follows: by substituting "\$30,000,000" for "\$25,000,000" in the first

paragraph; and by substituting “\$8,300,000” for “\$8,600,000” in the second paragraph.

SEC. 2117. Notwithstanding section 1101, the amounts included under the heading “Bilateral Economic Assistance, Funds Appropriated to the President, Global Health and Child Survival” in division F of Public Law 111–117 shall be applied to funds appropriated by this division as follows: by substituting in the first paragraph “\$2,525,000,000” for “\$2,420,000,000”; and by substituting “\$5,355,000,000” for “\$5,359,000,000” in the second paragraph.

SEC. 2118. Notwithstanding section 1101, the amounts included under the heading “Administration of Foreign Affairs, Office of Inspector General” in division F of Public Law 111–117 shall be applied to funds appropriated by this division as follows: by substituting “\$22,000,000” for “\$23,000,000” for the Special Inspector General for Iraq Reconstruction and “\$24,000,000” for “\$23,000,000” for the Special Inspector General for Afghanistan Reconstruction.

SEC. 2119. Notwithstanding section 1101, the level for each of the following accounts shall be \$0: “Administration of Foreign Affairs, Buying Power Maintenance Account”; “Bilateral Economic Assistance, Funds Appropriated to the President, International Fund for Ireland”; and “Multilateral Assistance, Funds Appropriated to the President, Contribution to the Asian Development Fund”.

SEC. 2120. (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, \$160,000,000 are rescinded.

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

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

(f) Of the funds appropriated in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading “Diplomatic and Consular Programs”, \$55,000,000, which shall be from amounts made available for Worldwide Security Protection, are rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(g) Of the funds appropriated in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading “Administration of Foreign Affairs, Embassy Security, Construction, and Maintenance”, \$115,000,000 are rescinded: *Provided*, That no amounts may be rescinded from amounts that were des-

ignated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Act of 1985, as amended.

(h) Of the funds appropriated in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading “Bilateral Economic Assistance, Funds Appropriated to the President, Economic Support Fund”, \$100,000,000 are rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Act of 1985, as amended.

SEC. 2121. (a) Notwithstanding section 653(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2413(b)), the President shall transmit to Congress the report required under section 653(a) of that Act with respect to the provision of funds appropriated or otherwise made available by this division for the Department of State, foreign operations, and related programs: *Provided*, That such report shall include a comparison of amounts, by category of assistance, provided or intended to be provided from funds appropriated for fiscal years 2010 and 2011, for each foreign country and international organization.

(b) Not later than 30 days after the date of enactment of this division, each department, agency or organization funded by this title or by division F of Public Law 111–117 shall submit to the Committees on Appropriations an operating plan for such funds that provides details at the program, project, and activity level: *Provided*, That the report required under subsection (a) shall be considered to have met the requirements of this subsection with respect to funds made available to carry out the Foreign Assistance Act of 1961 and the Arms Export Control Act: *Provided further*, That the spending reports required in division F of Public Law 111–117 for assistance for Afghanistan, Pakistan, Iraq, the Caribbean Basin, Lebanon, Mexico, and Central America, and spending reports required for funds appropriated under the headings “Diplomatic and Consular Programs”, “Embassy Security, Construction, and Maintenance”, “International Narcotics Control and Law Enforcement”, “Civilian Stabilization Initiative”, and “Peace Corps” shall be considered to have met the requirements of this subsection.

(c) The reports required under subsection (b) shall not be considered as meeting the notification requirements under section 7015 of division F of Public Law 111–117 or under section 634A of the Foreign Assistance Act of 1961.

SEC. 2122. (a) Notwithstanding any other provision of this division, the dollar amounts under paragraphs (1) through (4) under the heading “Administration of Foreign Affairs, Diplomatic and Consular Programs” in division F of Public Law 111–117 shall not apply to funds appropriated by this division: *Provided*, That the dollar amounts to be derived from fees collected under paragraph (5)(A) under such heading shall be “\$1,702,904” and “\$505,000” respectively.

(b) Division F of Public Law 111–117 shall be applied to funds appropriated by this division under the heading “Contributions for International Peacekeeping Activities” by adding the following at the end: “: *Provided further*, That the Secretary of State should work with the United Nations and governments contributing peacekeeping troops to develop effective vetting procedures to ensure that such troops have not violated human rights”.

(c) Division F of Public Law 111–117 shall be applied to funds appropriated by this divi-

sion under the heading “United States Agency for International Development, Funds Appropriated to the President, Operating Expenses” by substituting “USAID mission, bureau or office” for “USAID overseas mission or office” in the sixth proviso.

(d) Division F of Public Law 111–117 shall be applied to funds appropriated by this division under the heading “Economic Support Fund” by substituting “\$200,000,000” for “\$150,000,000” in the seventh proviso and “\$195,000,000” for “\$209,790,000” in the sixteenth proviso.

(e) Notwithstanding any other provision of this division, the following provisions in division F of Public Law 111–117 shall not apply to funds appropriated by this division:

(1) Section 7034(1).

(2) Section 7042(a), (b)(1), (c), and (d)(1).

(3) Section 7044(d).

(4) In section 7045:

(A) Subsection (b)(2).

(B) The first sentence of subsection (c).

(C) The first sentence of subsection (e)(1).

(D) The first sentence of subsection (f).

(E) Subsection (h).

(5) Section 7070(b).

(6) Section 7071(f)(6).

(7) The third proviso under the heading “Administration of Foreign Affairs, Civilian Stabilization Initiative”.

(8) The fourth proviso under the heading “Bilateral Economic Assistance, Funds Appropriated to the President, Assistance for Europe, Eurasia and Central Asia”.

(9) Section 7090.

(10) The ninth proviso under the heading “Millennium Challenge Corporation”.

(f) Section 7081 of division F of Public Law 111–117 shall be applied to funds appropriated by this division by substituting “Funds appropriated by this division” for “Of the funds appropriated by this Act, up to \$1,257,200,000” in subsection (a); by substituting “\$35,000,000” for “\$25,000,000” in the first sentence of subsection (d); by substituting “*Provided further*, That funds appropriated under title III of this Act for tropical forest programs shall be used for purposes including to implement and enforce section 8204 of Public Law 110–246, shall not be used to support or promote the expansion of industrial scale logging into primary tropical forests, and shall be subject to prior consultation with, and the regular notification of, the Committees on Appropriations:” for the second proviso in subsection (d); and by substituting “For fiscal year 2011, up to \$250,000,000” for “For fiscal year 2010, up to \$300,000,000” in subsection (g)(1).

(g) Section 7042 of division F of Public Law 111–117 shall be applied to funds appropriated by this division by substituting “\$552,900,000” for the dollar amount in subsection (f)(1).

(h) Section 7015(f) of division F of Public Law 111–117 is amended by inserting “Afghanistan, Burma, Yemen,” after “Sri Lanka,”.

(i) The third proviso of section 7034(s) of division F of Public Law 111–117 shall be applied to funds appropriated by this division by substituting “shall” for “should”.

(j) Section 7070(i)(2) of division F of Public Law 111–117 is amended to read as follows: “None of the funds appropriated by this Act shall be made available for assistance for the central government of Zimbabwe, except for health, education and macroeconomic growth assistance, unless the Secretary of State makes a determination pursuant to paragraph (1).”.

(k) Section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)(2)) is amended in paragraph (1) by striking “President” and inserting “Secretary of State” and in paragraph (2) by striking “\$100,000,000” and inserting “\$200,000,000”.

(l) Notwithstanding any other provision of this division, Section 7015(c) of division F of Public Law 111-117 shall not apply to funds appropriated by this division under the headings “Complex Crises Fund” and “Migration and Refugee Assistance”.

(m) Section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)) is amended by striking “September 1” and inserting “April 1”.

(n) Section 410(a)(1)(A) of title IV of the Department of State and Related Agencies Appropriations Act, 1999 (contained in division A of Public Law 105-277) is amended by striking “a fee of \$13” and inserting “a fee of not to exceed half of the amount of the fee that would otherwise apply for processing a machine readable combined border crossing identification card and non-immigrant visa, and may be increased not more than 50 percent in a fiscal year”.

(o) Section 7046(a) of division F of Public Law 111-117 shall be applied to funds appropriated by this division by substituting “\$455,000,000” for “\$521,880,000”.

SEC. 2123. (a) The first and second provisos under the heading “Economic Support Fund” in division F of Public Law 111-117 shall be applied to funds appropriated by this title by substituting the following: “*Provided*, That of the funds appropriated under this heading, up to \$250,000,000 shall be available for assistance for Egypt: *Provided further*, That any such assistance made available to the Government of Egypt shall be for purposes that reduce poverty, promote good governance, protect human rights, and support free and fair elections: *Provided further*, That of the funds appropriated under this heading for assistance for Egypt, not less than \$35,000,000 should be made available directly for assistance for civil society organizations and the development of political parties, and not less than \$35,000,000 should be made available for education programs including not less than \$10,000,000 for scholarships for Egyptian students with high financial need”.

(b) The third proviso under the heading “Economic Support Fund” in division F of Public Law 111-117 shall be applied to funds appropriated by this division by substituting “should” for “shall”, and the tenth proviso under such heading shall be applied to funds appropriated by this division by substituting the following: “*Provided further*, That funds appropriated or otherwise made available by this division for assistance for Afghanistan and Pakistan may not be made available for direct government-to-government assistance unless the Secretary of State certifies to the Committees on Appropriations that the relevant implementing agency has been assessed and considered qualified to manage such funds and the Government of the United States and the government of the recipient country have agreed, in writing, to clear and achievable goals and objectives for the use of such funds, and have established mechanisms within each implementing agency to ensure that such funds are used for the purposes for which they were intended.”.

(c) The second proviso under the heading “International Security Assistance, Department of State, Peacekeeping Operations” in division F of Public Law 111-117 shall be applied by substituting the following: “*Provided further*, That up to \$55,918,000 may be used to pay assessed expenses of international peacekeeping activities in Somalia, except that up to an additional \$35,000,000 may be made available for such purpose subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.”.

(d) Section 7034(m)(5) of division F of Public Law 111-117 shall be applied to funds appropriated by this division by substituting

“should” for “shall” in the first place it appears, and by adding at the end the following: “: *Provided*, That not less than \$15,000,000 shall be transferred to, and merged with, funds available under the heading ‘Related Agency, Broadcasting Board of Governors, International Broadcasting Operations’, to remain available until September 30, 2012, to carry out the purposes of this subsection including to hire additional individuals to administer such funds”.

(e) Section 7034(n) of division F of Public Law 111-117 shall be applied to funds appropriated by this division by adding the following at the end: “: *Provided*, That none of the funds appropriated or otherwise made available by this division or any other Act making appropriations for the Department of State, foreign operations, and related programs may be used to implement phase 3 of such authority”.

(f) Section 7042 of division F of Public Law 111-117 shall be applied to funds appropriated by this division by substituting the following for the proviso in subsection (d)(2): “: *Provided*, That funds may not be made available for obligation until the Secretary of State determines and reports to the Committees on Appropriations that funds provided are in the national security interest of the United States and provides the Committees on Appropriations a detailed spending plan”.

(g) Section 7043 of division F of Public Law 111-117 shall be applied to funds appropriated by this division by substituting the following for subsection (b):

“(b) LIMITATION.—None of the funds appropriated or otherwise made available by this division under the heading ‘Export-Import Bank of the United States’ may be used by the Export-Import Bank of the United States to provide any new financing (including loans, guarantees, other credits, insurance, and reinsurance) to any person that is subject to sanctions under paragraph (2) or (3) of section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104-172).”.

(h) Section 7045(b) of division F of Public Law 111-117 shall be applied to funds appropriated by this division by substituting the following for paragraph (2):

“(2) Of the funds appropriated under the heading ‘Department of the Treasury, Debt Restructuring’ in this division, up to \$36,000,000 may be made available for the United States share of an increase in the resources of the Fund for Special Operations of the Inter-American Development Bank in furtherance of providing debt relief to Haiti in view of the Cancun Declaration of March 21, 2010.”.

(i) Section 7059(c) of division F of Public Law 111-117 is amended by striking “may” and inserting in lieu thereof “should”.

(j) Section 7059(1) of division F of Public Law 111-117 is amended by striking “30” and inserting in lieu thereof “85”.

(k) Section 7071(b) of division F of Public Law 111-117 shall be applied to funds appropriated by this division by substituting “\$37,500,000” for “\$36,500,000” in paragraph (2).

(l) Section 7071(j) of division F of Public Law 111-117 shall be applied to funds appropriated by this division by substituting the following: “Of the funds appropriated under the heading ‘Economic Support Fund’, not less than \$21,000,000 shall be made available for assistance for Vietnam for remediation of dioxin contaminated sites including not less than \$3,000,000 for related health and disability activities, and may be made available for assistance for the Government of Vietnam, including the military, for such purposes.”.

(m) Section 404(b)(2)(B) of Public Law 103-236 is amended by adding the following at the end:

“(vii) For assessments made during calendar year 2011, 27.2 percent.”.

(n) The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking “and 2010” and inserting “2010, and 2011”; and

(B) in subsection (e), by striking “2010” each place it appears and inserting “2011”; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking “2010” and inserting “2011”.

SEC. 2124. (a) IN GENERAL.—Subsections (b) through (d) of this section shall apply to funds appropriated by this division in lieu of section 7076 of division F of Public Law 111-117.

(b) LIMITATION.—None of the funds appropriated or otherwise made available by this division under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement” may be obligated for assistance for the Government of Afghanistan until the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID), certifies and reports to the Committees on Appropriations the following:

(1) The Government of Afghanistan is—

(A) demonstrating a commitment to reduce corruption and improve governance, including by investigating, prosecuting, and sanctioning or removing corrupt officials from office and to implement financial transparency and accountability measures for government institutions and officials (including the Central Bank);

(B) taking significant steps to facilitate active public participation in governance and oversight; and

(C) taking credible steps to protect the internationally recognized human rights of Afghan women.

(2) There is a unified United States Government anti-corruption strategy for Afghanistan.

(3) Funds will be programmed to support and strengthen the capacity of Afghan public and private institutions and entities to reduce corruption and to improve transparency and accountability of national, provincial, and local governments, as outlined in the spending plan submitted to the Committees on Appropriations on October 26, 2010 (CN 10-298).

(4) Representatives of Afghan national, provincial, or local governments, local communities and civil society organizations, as appropriate, will be consulted and participate in the design of programs, projects, and activities, including participation in implementation and oversight, and the development of specific benchmarks to measure progress and outcomes.

(5) Funds will be used to train and deploy additional United States Government direct-hire personnel to improve monitoring and control of assistance.

(6) A framework and methodology is being utilized to assess national, provincial, local, and sector level fiduciary risks relating to public financial management of United States Government assistance.

(c) ASSISTANCE AND OPERATIONS.—

(1) Funds appropriated under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement” by this division that are available for assistance for Afghanistan—

(A) shall be made available, to the maximum extent practicable, in a manner that emphasizes the participation of Afghan women, and directly improves the security, economic and social well-being, and political

status, and protects the rights of, Afghan women and girls and complies with sections 7062 and 7063 of division F of Public Law 111-117, including support for the Afghan Independent Human Rights Commission, the Afghan Ministry of Women's Affairs, and women-led nongovernmental organizations;

(B) may be made available for a United States contribution to an internationally managed fund to support the reconciliation with and disarmament, demobilization and reintegration into Afghan society of former combatants who have renounced violence against the Government of Afghanistan: *Provided*, That funds may be made available to support reconciliation and reintegration activities only if—

(i) Afghan women are participating at national, provincial and local levels of government in the design, policy formulation and implementation of the reconciliation or reintegration process, and such process upholds steps taken by the Government of Afghanistan to protect the internationally recognized human rights of Afghan women; and

(ii) such funds will not be used to support any pardon or immunity from prosecution, or any position in the Government of Afghanistan or security forces, for any leader of an armed group responsible for crimes against humanity, war crimes, or other violations of internationally recognized human rights;

(C) may be made available as a United States contribution to the Afghanistan Reconstruction Trust Fund (ARTF) unless the Secretary of State determines and reports to the Committees on Appropriations that the World Bank Monitoring Agent of the ARTF is unable to conduct its financial control and audit responsibilities due to restrictions on security personnel by the Government of Afghanistan; and

(D) may be made available for a United States contribution to the North Atlantic Treaty Organization/International Security Assistance Force Post-Operations Humanitarian Relief Fund.

(2) Funds appropriated under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement" by this division that are available for assistance for Afghanistan that provide training for foreign police, judicial, and military personnel shall address, where appropriate, gender-based violence.

(3) The authority contained in section 1102(c) of Public Law 111-32 shall continue in effect during fiscal year 2011 and shall apply as if part of this division.

(4) The Coordinator for Rule of Law at the United States Embassy in Kabul, Afghanistan shall be consulted on the use of all funds appropriated by this division for rule of law programs in Afghanistan.

(5) None of the funds made available by this division may be used by the United States Government to enter into a permanent basing rights agreement between the United States and Afghanistan.

(6) The Secretary of State, after consultation with the USAID Administrator, shall submit to the Committees on Appropriations not later than 45 days after enactment of this division, and prior to the initial obligation of funds for assistance for Afghanistan, a detailed spending plan for such assistance which shall include clear and achievable goals, benchmarks for measuring progress, and expected results: *Provided*, That such plan shall not be considered as meeting the notification requirements under section 7015 of division F of Public Law 111-117 or under section 634A of the Foreign Assistance Act of 1961.

(d) OVERSIGHT.—

(1) The Special Inspector General for Afghanistan Reconstruction, the Inspector

General of the Department of State and the Inspector General of USAID, shall jointly develop and submit to the Committees on Appropriations within 45 days of enactment of this division a coordinated audit and inspection plan of United States assistance for, and civilian operations in, Afghanistan.

(2) Of the funds appropriated by this division under the heading "Economic Support Fund" for assistance for Afghanistan, \$3,000,000 shall be transferred to, and merged with, funds made available under the heading "Administration of Foreign Affairs, Office of Inspector General" by this division, for increased oversight of programs in Afghanistan and shall be in addition to funds otherwise available for such purposes: *Provided*, That \$1,500,000 shall be for the activities of the Special Inspector General for Afghanistan Reconstruction.

(3) Of the funds appropriated by this division under the heading "Economic Support Fund" for assistance for Afghanistan, \$1,500,000 shall be transferred to, and merged with, funds appropriated under the heading "United States Agency for International Development, Funds Appropriated to the President, Office of Inspector General" by this division for increased oversight of programs in Afghanistan and shall be in addition to funds otherwise available for such purposes.

(e) MODIFICATION TO PRIOR PROVISIONS.—

(1) Section 1004(c)(1)(C) of Public Law 111-212 is amended to read as follows:

"(C) taking credible steps to protect the internationally recognized human rights of Afghan women."

(2) Section 1004(d)(1) of Public Law 111-212 is amended to read as follows:

"(1) Afghan women are participating at national, provincial, and local levels of government in the design, policy formulation, and implementation of the reconciliation or reintegration process, and such process upholds steps taken by the Government of Afghanistan to protect the internationally recognized human rights of Afghan women; and"

(3) Section 1004(e)(1) of Public Law 111-212 is amended to read as follows:

"(1) based on information available to the Secretary, the Independent Electoral Commission has no members or other employees who participated in, or helped to cover up, acts of fraud in the 2009 presidential election in Afghanistan, and the Electoral Complaints Commission is a genuinely independent body with all the authorities that were invested in it under Afghan law as of December 31, 2009; and"

SEC. 2125. Prior to the disbursement of funds appropriated by this division under the heading "Foreign Military Financing Program" that are available for assistance for Egypt, the Secretary of State should report to the Committees on Appropriations that—

(1) a transparent, political transition is occurring that includes the participation of a wide range of democratic opposition and civil society leaders and is responsive to their views;

(2) the emergency law and other laws restricting human rights have been abrogated; protesters, political and social activists and journalists are not being arrested, detained or prosecuted for the peaceful exercise of their rights; and the government is respecting freedoms of expression, assembly and association; and

(3) legal and constitutional impediments to free and fair presidential and parliamentary elections are being removed.

SEC. 2126. Of the funds appropriated by this division under the heading "Economic Support Fund" that are available for assistance for Tunisia, not less than \$5,000,000 should be made available directly for assistance for

civil society organizations and the development of political parties.

SEC. 2127. The second paragraph under the heading "Foreign Military Financing Program" in division F of Public Law 111-117 is amended by adding the following at the end: "*Provided further*, That none of the funds appropriated under this heading may be made available for assistance for Libya".

SEC. 2128. The second proviso in the second paragraph under the heading "Foreign Military Financing Program" in division F of Public Law 111-117 is amended by inserting "Bahrain," after "Nepal,".

SEC. 2129. (a) CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK.—In addition to amounts otherwise made available by this division, \$106,586,000, to remain available until expended, is appropriated for payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock.

(b) LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS.—The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed \$2,558,048,769.

(c) AMENDMENT.—The Asian Development Bank Act (22 U.S.C. 285 et seq.), is amended by adding at the end the following:

"SEC. 33. NINTH REPLENISHMENT.

"(a) The United States Governor of the Bank is authorized to contribute, on behalf of the United States, \$461,000,000 to the ninth replenishment of the resources of the Fund, subject to obtaining the necessary appropriations.

"(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, \$461,000,000 for payment by the Secretary of the Treasury.

"SEC. 34. FIFTH CAPITAL INCREASE.

"(a) SUBSCRIPTION AUTHORIZED.—

"(1) The United States Governor of the Bank may subscribe on behalf of the United States to 1,104,420 additional shares of the capital stock of the Bank.

"(2) Any subscription by the United States to capital stock of the Bank shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

"(b) AUTHORIZATION OF APPROPRIATIONS.—

"(1) In order to pay for the increase in the United States subscription to the Bank provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, \$13,323,173,083, for payment by the Secretary of the Treasury.

"(2) Of the amount authorized to be appropriated under paragraph (1)—

"(A) \$532,929,240 is authorized to be appropriated for paid in shares of the Bank; and

"(B) \$12,790,243,843 is authorized to be appropriated for callable shares of the Bank, for payment by the Secretary of the Treasury."

TITLE XII—TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES

SEC. 2201. Notwithstanding section 1101, the level for "Transportation Planning, Research, and Development" shall be \$13,168,000.

SEC. 2202. Notwithstanding section 1101, the level for "Department of Transportation, Federal Aviation Administration, Operations" shall be \$9,542,983,000, of which \$4,559,000,000 shall be derived from the Airport and Airway Trust Fund, of which no less than \$7,473,299,000 shall be for air traffic organization activities; no less than

\$1,253,020,000 shall be for aviation regulation and certification activities; not to exceed \$15,237,000 shall be available for commercial space transportation activities; not to exceed \$113,681,000 shall be available for financial services activities; not to exceed \$100,428,000 shall be available for human resources program activities; not to exceed \$341,977,000 shall be available for region and center operations and regional coordination activities; not to exceed \$196,063,000 shall be available for staff offices; and not to exceed \$49,278,000 shall be available for information services.

SEC. 2203. Notwithstanding section 1101, the amounts included under the heading "Department of Transportation, Federal Aviation Administration, Grants-in-Aid for Airports (Liquidation of Contract Authorization)" in division A of Public Law 111-117 shall be applied to funds appropriated by this Act by substituting "\$3,550,000,000" for "\$3,000,000,000".

SEC. 2204. Notwithstanding section 1101, the level included under the heading "Department of Transportation, Federal Aviation Administration, Grants-In-Aid for Airports (Limitations on Obligations)" for administration shall be \$96,322,000.

SEC. 2205. Notwithstanding section 1101, the level of funding for activities described in section 122 of title I of division A of Public Law 111-117 shall be \$0.

SEC. 2206. Notwithstanding section 1101, the level for "Department of Transportation, Federal Highway Administration, Surface Transportation Priorities" shall be \$0.

SEC. 2207. Unobligated balances of funds made available for obligation under 23 U.S.C. 320, section 147 of Public Law 95-599, section 9(c) of Public Law 97-134, section 149 of Public Law 100-17, and sections 1006, 1069, 1103, 1104, 1105, 1106, 1107, 1108, 6005, 6015, and 6023 of Public Law 102-240 are permanently rescinded. In addition, the unobligated balance available on September 30, 2011, under section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105-178) for each project for which less than 10 percent of the amount authorized for such project under such section has been obligated is permanently rescinded. In addition, of the amounts authorized for fiscal years 2005 through 2009 in section 1101(a)(16) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59) to carry out the high priority projects program under section 117 of title 23, United States Code, that are not allocated for projects described in section 1702 of such Act, \$8,190,335 are permanently rescinded.

SEC. 2208. Notwithstanding section 1101, the level for the "Department of Transportation, Federal Motor Carrier Safety Administration, Motor Carrier Safety Operations and Programs, (Liquidation of Contract Authorization), (Limitation of Contract Obligations), (Highway Trust Fund)" shall be \$250,117,000.

SEC. 2209. Of the amount made available for "Department of Transportation, Motor Carrier Safety Grants, (Liquidation of Contract Authorization), (Limitation on Obligations), (Highway Trust Fund)" for the commercial driver's license information system modernization program, \$3,000,000 shall be made available for audits of new entrant motor carriers to carry out section 4107(b) of Public Law 109-59, and 31104(a) of title 49, United States Code, and \$5,000,000 shall be made available for the commercial driver's license improvements program to carry out section 31313 of title 49, United States Code.

SEC. 2210. Of the amounts made available for Safety Belt Performance Grants under section 406 of title 23, United States Code, \$76,000,000 in unobligated balances are permanently rescinded.

SEC. 2211. Notwithstanding section 1101, the level for "Department of Transportation, Federal Railroad Administration, Safety and Operations" shall be \$176,950,000.

SEC. 2212. Notwithstanding section 1101, the level for "Department of Transportation, Federal Railroad Administration, Rail Line Relocation and Improvement Program" shall be \$10,532,000.

SEC. 2213. Notwithstanding section 1101, the level for "Department of Transportation, Federal Railroad Administration, Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service" shall be \$1,000,000,000.

(a) Notwithstanding section 1101, the level for "Federal Transit Administration, Capital Investment Grants" shall be \$1,850,000,000.

SEC. 2214. Notwithstanding section 1101, the level for "Department of Transportation, Maritime Administration, Operations and Training" shall be \$151,750,000, of which \$11,240,000 shall remain available until expended for maintenance and repair of training ships at State Maritime Academies, and of which \$15,000,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy, and of which \$59,057,000 shall be available for operations at the United States Merchant Marine Academy, and of which \$2,000,000 shall remain available through September 30, 2012 for midshipman services at the United States Merchant Marine Academy: *Provided*, That of the funds provided for Operations and Training to the Maritime Administration in Public Law 111-117, up to \$6,000,000 shall remain available until expended and may be used for the Secretary's reimbursement of overcharged midshipmen fees for academic years 2003-2004 through 2008-2009 and the Secretary's reimbursement decisions shall be final and conclusive: *Provided further*, That \$1,000,000 of such funds shall be available until expended and shall be used for the information technology requirements of Public Law 111-207.

SEC. 2215. Notwithstanding section 1101, the level for each of the following accounts under the heading "Department of Transportation, Pipeline and Hazardous Materials Safety Administration" shall be as follows: "Operational Expenses (Pipeline Safety Fund)", \$21,496,000; "Hazardous Materials Safety", \$39,098,000, of which \$1,699,000 shall remain available until September 30, 2013; and "Pipeline Safety (Pipeline Safety Fund) (Oil Spill Liability Trust Fund)", \$106,919,000, of which \$18,905,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2013, and of which \$88,014,000 shall be derived from the Pipeline Safety Fund, of which \$47,332,000 shall remain available until September 30, 2013.

SEC. 2216. Notwithstanding section 1101, section 186 of title I of division A of Public Law 111-117 shall not apply to fiscal year 2011.

SEC. 2217. Notwithstanding section 1101, no funds are provided for activities described in section 195 of title I of division A of Public Law 111-117.

SEC. 2218. Notwithstanding section 1101, the level for "Department of Housing and Urban Development, Personnel Compensation and Benefits, Housing" shall be \$388,667,000.

SEC. 2219. Notwithstanding section 1101, the level for "Department of Housing and Urban Development, Public and Indian Housing, Tenant-Based Rental Assistance" shall be \$14,547,688,000, to remain available until expended, shall be available on October 1, 2010 (in addition to the \$4,000,000,000 previously appropriated under such heading that will become available on October 1, 2010), and notwithstanding section 1109, an

additional \$4,000,000,000, to remain available until expended, shall be available on October 1, 2011: *Provided*, That of the amounts available for such heading, \$16,702,688,000 shall be for activities specified in paragraph (1).

SEC. 2220. Notwithstanding section 1101, the level for "Department of Housing and Urban Development, Public Housing Operating Fund" shall be \$4,626,000,000.

SEC. 2221. Notwithstanding section 1101, the level for "Department of Housing and Urban Development, Community Planning and Development, Community Development Fund" shall be \$4,230,000,000, of which \$3,990,000,000 shall be for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended: *Provided*, That none of the funds made available by this section for such account may be used for grants for the Economic Development Initiative or Neighborhood Initiatives activities or for grants pursuant to section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307).

SEC. 2222. Notwithstanding section 1101, the level for "Department of Housing and Urban Development, Community Planning and Development, Homeless Assistance Grants" shall be \$2,055,000,000, of which at least \$285,000,000 shall be for the Emergency Solutions Grant program.

SEC. 2223. Notwithstanding section 1101, the level for "Department of Housing and Urban Development, Community Planning and Development, Brownfields Redevelopment" shall be \$0.

SEC. 2224. Notwithstanding section 1101, the level for "Department of Housing and Urban Development, Housing Programs, Project-Based Rental Assistance" shall be \$8,882,328,000, to remain available until expended, shall be available on October 1, 2010 (in addition to the \$393,672,000 previously appropriated under such heading that became available on October 1, 2010), and, notwithstanding section 1109, an additional \$400,000,000, to remain available until expended, shall be available on October 1, 2011: *Provided*, That of the amounts available for such heading, \$8,950,000,000 shall be for activities specified in paragraph (1) under such heading of division A of Public Law 111-117 and \$326,000,000 shall be available for activities specified in paragraph (2) under such heading in such public law.

SEC. 2225. The first proviso under the heading "Housing for the Elderly" and under the heading "Housing for Persons with Disabilities" in Division A of the Consolidated Appropriations Act, 2010 (Public Law 111-117, 123 STAT. 3088), is amended to read as follows: "*Provided*, That amounts appropriated for initial project rental assistance contracts in FY 2003 through FY 2011 shall remain available for the purpose of paying obligations incurred prior to the expiration of such funds for a 10 year period following such expiration."

SEC. 2226. Notwithstanding section 1101, the level for "Department of Housing and Urban Development, Housing Programs, Energy Innovation Fund" shall be \$0.

SEC. 2227. The heading "Department of Housing and Urban Development, Housing Program, Other Assisted Housing Programs, Rental Housing Assistance" shall be applied by also being available for extensions of up to one year for expiring contracts under such sections of law.

SEC. 2228. Notwithstanding section 1101, the level under the heading "Department of Housing and Urban Development, Housing Programs, Rent Supplement (Rescission)" shall be \$31,255,000.

SEC. 2229. Notwithstanding section 1101, the level for "Department of Housing and Urban Development, Federal Housing Administration, Mutual Mortgage Insurance

Program Account" for administrative contract expenses shall be \$207,000,000.

SEC. 2230. The first proviso in the first paragraph under the heading "Department of Housing and Urban Development, Federal Housing Administration, General and Special Risk Program Account" in division A of Public Law 111-117 shall be applied in fiscal year 2011 by substituting "\$20,000,000,000" for "\$15,000,000,000".

SEC. 2231. Notwithstanding section 1101, the level under the heading "Related Agencies, United States Interagency Council on Homelessness, Operating Expenses" shall be \$2,680,000.

SEC. 2232. Section 209 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11319) is repealed.

SEC. 2233. Of the amounts made available under "Department of Transportation, National Highway Traffic Safety Administration, Consumer Assistance to Recycle and Save Program", \$16,000,000 in unobligated balances are permanently rescinded.

This division may be cited as the "Full-Year Continuing Appropriations Act, 2011".

This Act may be cited as the "Department of Defense and Full-Year Continuing Appropriations Act, 2011".

SA 150. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows

After section 17, insert the following:

SEC. 18. PROHIBITION OF AUTHORIZED GENERICS.

Chapter 10 of title 35, United States Code, is amended by adding at the end the following:

"§ 106. Prohibition of authorized generic drugs

"(a) IN GENERAL.—Notwithstanding any provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the owner of any patent issued under this title that is the subject of a new drug application approved under section 505(c) of such Act (21 U.S.C. 355(c)), or the holder of a new drug application approved under such section 505(c), shall not manufacture, market, sell, or distribute an authorized generic drug, directly or indirectly, or authorize any other person to manufacture, market, sell, or distribute an authorized generic drug.

"(b) AUTHORIZED GENERIC DRUG; LISTED DRUG.—For purposes of this section—

"(1) the term 'authorized generic drug'—

"(A) means any version of a listed drug that the owner of any patent issued under this title for that listed drug that is the subject of a new drug application approved under subsection (c) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), or the holder of the new drug application approved under such subsection (c) for that listed drug, seeks to commence marketing, selling, or distributing, directly or indirectly, after receipt of a notice sent pursuant to subsection (j)(2)(B) of such section with respect to that listed drug; and

"(B) does not include any drug to be marketed, sold, or distributed—

"(i) by an entity eligible for 180-day exclusivity with respect to such drug under subsection (j)(5)(B)(iv) of such section; or

"(ii) after expiration or forfeiture of any 180-day exclusivity with respect to such drug under such subsection (j)(5)(B)(iv); and

"(2) the term 'listed drug' has the meaning applied to such term in section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j))."

SA 151. Mr. ROCKEFELLER submitted an amendment intended to be

proposed by him to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

After section 17, insert the following:

SEC. 18. PROHIBITION OF AUTHORIZED GENERICS.

Chapter 10 of title 35, United States Code, is amended by adding at the end the following:

"§ 106. Prohibition of authorized generic drugs

"(a) IN GENERAL.—The owner of any patent issued under this title that is the subject of a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(c)), or the holder of a new drug application approved under such section 505(c), shall not manufacture, market, sell, or distribute an authorized generic drug, directly or indirectly, or authorize any other person to manufacture, market, sell, or distribute an authorized generic drug.

"(b) AUTHORIZED GENERIC DRUG; LISTED DRUG.—For purposes of this section—

"(1) the term 'authorized generic drug'—

"(A) means any version of a listed drug that the owner of any patent issued under this title for that listed drug that is the subject of a new drug application approved under subsection (c) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), or the holder of the new drug application approved under such subsection (c) for that listed drug, seeks to commence marketing, selling, or distributing, directly or indirectly, after receipt of a notice sent pursuant to subsection (j)(2)(B) of such section with respect to that listed drug; and

"(B) does not include any drug to be marketed, sold, or distributed—

"(i) by an entity eligible for 180-day exclusivity with respect to such drug under subsection (j)(5)(B)(iv) of such section; or

"(ii) after expiration or forfeiture of any 180-day exclusivity with respect to such drug under such subsection (j)(5)(B)(iv); and

"(2) the term 'listed drug' has the meaning applied to such term in section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j))."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 4, 2011, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—H.R. 4

Mr. REID. Mr. President, H.R. 4 is at the desk due for a second reading, I am told.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 4) to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings at this time.

The PRESIDING OFFICER. Objection having been heard, the bill is placed on the calendar under rule XIV.

ORDERS FOR MONDAY, MARCH 7, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, March 7; that following the prayer and pledge, the morning hour be deemed expired; the time for the two leaders be reserved for use later in the day; that following any leader remarks there be a period of morning business until 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes each; at 4:30 p.m., the Senate proceed to executive session as under the previous order; and, finally, the filing deadline for second-degree amendments to S. 23 be 5 p.m. on Monday, March 7.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, Senators should expect a series of three rollcall votes to begin at 5:30 p.m. on Monday. The first two votes will be on confirmation of judicial nominations. The third vote will be on cloture of the America Invents Act.

ADJOURNMENT UNTIL MONDAY, MARCH 7, 2011, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate adjourn under the previous order.

There being no objection, the Senate, at 1:19 p.m., adjourned until Monday, March 7, 2011, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF THE TREASURY

DANIEL L. GLASER, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY FOR TERRORIST FINANCING, DEPARTMENT OF THE TREASURY, VICE DAVID S. COHEN.

FEDERAL TRADE COMMISSION

JON D. LEIBOWITZ, OF MARYLAND, TO BE A FEDERAL TRADE COMMISSIONER FOR A TERM OF SEVEN YEARS FROM SEPTEMBER 26, 2010. (REAPPOINTMENT)

DEPARTMENT OF COMMERCE

PAUL PIQUADO, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE DAVID M. SPOONER, RESIGNED.

DEPARTMENT OF STATE

ROBERT PATTERSON, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO TURKMENISTAN.

UNITED STATES INSTITUTE OF PEACE

ERIC S. EDELMAN, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM OF FOUR YEARS, VICE CHESTER A. CROCKER, TERM EXPIRED.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be rear admiral (lower half)

MICHAEL S. DEVANY

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF