

AMENDMENT NO. **4805**

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—111th Cong., 2d Sess.

H. R. 3082

Consolidated Appropriations Act, 2011

December 14, 2010

Ordered to be printed

AMENDMENT intended to be proposed by Mr. INOUYE to
the House amendment to the Senate amendment to H.
R. 3082

Viz:

1 In lieu of the matter proposed to be inserted, insert
2 the following:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Consolidated Approp-
5 riations Act, 2011”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Explanatory statement.
- Sec. 5. Emergency designation.
- Sec. 6. Statement of appropriations.
- Sec. 7. Federal civilian pay freeze.
- Sec. 8. Transfer authority.
- Sec. 9. Rescission of certain Federal expenses.
- Sec. 10. Limitation on award of certain specific projects.
- Sec. 11. Iran sanctions.

Sec. 12. Detainee transfer restrictions.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND
DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS
ACT, 2011

Title I—Agricultural Programs
Title II—Conservation Programs
Title III—Rural Development Programs
Title IV—Domestic Food Programs
Title V—Foreign Assistance and Related Programs
Title VI—Food and Drug Administration and Farm Credit Administration
Title VII—General provisions

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED
AGENCIES APPROPRIATIONS ACT, 2011

Title I—Department of Commerce
Title II—Department of Justice
Title III—Science
Title IV—Related agencies
Title V—General provisions

DIVISION C—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 D—ENERGY AND WATER DEVELOPMENT, AND
RELATED AGENCIES APPROPRIATIONS ACT, 2011

Title I—Corps of Engineers—Civil
Title II—Department of the Interior
Title III—Department of Energy
Title IV—Independent agencies
Title V—General provisions

DIVISION E—FINANCIAL SERVICES AND GENERAL GOVERNMENT
APPROPRIATIONS ACT, 2011

Title I—Department of the Treasury
Title II—Executive Office of the President and funds appropriated to the President
Title III—The judiciary
Title IV—District of Columbia
Title V—Independent agencies
Title VI—General provisions—This Act
Title VII—General provisions—Government-wide
Title VIII—General provisions—District of Columbia

DIVISION F—DEPARTMENT OF HOMELAND SECURITY
APPROPRIATIONS ACT, 2011

Title I—Departmental management and operations
 Title II—Security, enforcement, and investigations
 Title III—Protection, preparedness, response, and recovery
 Title IV—Research and development, training, and services
 Title V—General provisions

DIVISION G—DEPARTMENT OF THE INTERIOR, ENVIRONMENT,
AND RELATED AGENCIES APPROPRIATIONS ACT, 2011

Title I—Department of the Interior
 Title II—Environmental Protection Agency
 Title III—Related agencies
 Title IV—General provisions
 Title V—Sacramento-San Joaquin Delta National Heritage Area
 Title VI—National Women’s History Museum Act of 2009
 Title VII—Montana forests

DIVISION H—DEPARTMENTS OF LABOR, HEALTH AND HUMAN
SERVICES, AND EDUCATION, AND RELATED AGENCIES APPRO-
PRIATIONS ACT, 2011

Title I—Department of Labor
 Title II—Department of Health and Human Services
 Title III—Department of Education
 Title IV—Related agencies
 Title V—General provisions

DIVISION I—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2011

Title I—Legislative branch
 Title II—General provisions

DIVISION J—MILITARY CONSTRUCTION AND VETERANS AFFAIRS,
AND RELATED AGENCIES APPROPRIATIONS ACT, 2011

Title I—Department of Defense
 Title II—Department of Veterans Affairs
 Title III—Related agencies
 Title IV—Overseas contingency operations
 Title V—General provisions

DIVISION K—DEPARTMENT OF STATE, FOREIGN OPERATIONS,
AND RELATED PROGRAMS APPROPRIATIONS ACT, 2011

Title I—Department of State and related agency
 Title II—United States Agency for International Development
 Title III—Bilateral economic assistance
 Title IV—International security assistance
 Title V—Multilateral assistance
 Title VI—Export and investment assistance

Title VII—General provisions

DIVISION L—TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2011

Title I—Department of Transportation

Title II—Department of Housing and Urban Development

Title III—Related agencies

Title IV—General provisions—This Act

Title V—Extension of current surface transportation programs

Title VI—Extension of aviation programs

DIVISION M—FOOD SAFETY

1 **SEC. 3. REFERENCES.**

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

6 **SEC. 4. EXPLANATORY STATEMENT.**

7 The explanatory statement regarding this legislation,
8 printed in the Senate section of the Congressional Record
9 on or about December 14, 2010 by the Chairman of the
10 Committee on Appropriations of the Senate, shall have the
11 same effect with respect to the allocation of funds and im-
12 plementation of this Act as if it were a joint explanatory
13 statement of a committee of conference.

14 **SEC. 5. EMERGENCY DESIGNATION.**

15 Any designation in any division of this Act referring
16 to this section is a designation of an amount as an emer-
17 gency requirement and necessary to meet emergency needs
18 pursuant to sections 403(a) and 423(b) of S. Con. Res.

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

3 **SEC. 6. STATEMENT OF APPROPRIATIONS.**

4 The following sums in this Act are appropriated, out
5 of any money in the Treasury not otherwise appropriated,
6 for the fiscal year ending September 30, 2011.

7 **SEC. 7. FEDERAL CIVILIAN PAY FREEZE.**

8 (a) For the purposes of this section—

9 (1) the term “employee”—

10 (A) means an employee as defined in sec-
11 tion 2105 of title 5, United States Code; and

12 (B) includes an individual to whom sub-
13 section (b), (c), or (f) of such section 2105 per-
14 tains (whether or not such individual satisfies
15 subparagraph (A));

16 (2) the term “senior executive” means—

17 (A) a member of the Senior Executive
18 Service under subchapter VIII of chapter 53 of
19 title 5, United States Code;

20 (B) a member of the FBI–DEA Senior
21 Executive Service under subchapter III of chap-
22 ter 31 of title 5, United States Code;

23 (C) a member of the Senior Foreign Serv-
24 ice under chapter 4 of title I of the Foreign

1 Service Act of 1980 (22 U.S.C. 3961 and fol-
2 lowing); and

3 (D) a member of any similar senior execu-
4 tive service in an Executive agency;

5 (3) the term “senior-level employee” means an
6 employee who holds a position in an Executive agen-
7 cy and who is covered by section 5376 of title 5,
8 United States Code, or any similar authority; and

9 (4) the term “Executive agency” has the mean-
10 ing given such term by section 105 of title 5, United
11 States Code.

12 (b)(1) Notwithstanding any other provision of law,
13 except as provided in subsection (e), no statutory pay ad-
14 justment which (but for this subsection) would otherwise
15 take effect during the period beginning on January 1,
16 2011, and ending on December 31, 2012, shall be made.

17 (2) For purposes of this subsection, the term “statu-
18 tory pay adjustment” means—

19 (A) an adjustment required under section 5303,
20 5304, 5304a, 5318, or 5343(a) of title 5, United
21 States Code; and

22 (B) any similar adjustment, required by stat-
23 ute, with respect to employees in an Executive agen-
24 cy.

1 (c) Notwithstanding any other provision of law, ex-
2 cept as provided in subsection (e), during the period begin-
3 ning on January 1, 2011, and ending on December 31,
4 2012, no senior executive or senior-level employee may re-
5 ceive an increase in his or her rate of basic pay absent
6 a change of position that results in a substantial increase
7 in responsibility, or a promotion.

8 (d) The President may issue guidance that Executive
9 agencies shall apply in the implementation of this section.

10 (e) The Non-Foreign Area Retirement Equity Assur-
11 ance Act of 2009 (5 U.S.C. 5304 note) shall be applied
12 using the appropriate locality-based comparability pay-
13 ments established by the President as the applicable com-
14 parability payments in section 1914(2) and (3) of such
15 Act.

16 **SEC. 8. TRANSFER AUTHORITY.**

17 (a) Up to \$1,350,000,000 of amounts made available
18 by this Act or prior year appropriations Acts, shall be
19 available for transfer by the head of the agency to the
20 extent necessary to avoid furloughs or reductions in force,
21 or to provide funding necessary for programs and activi-
22 ties required by law: *Provided*, That such transfers may
23 not result in the termination of programs, projects or ac-
24 tivities: *Provided further*, That such transfers shall be sub-

1 ject to the approval of the House and Senate Appropria-
2 tions Committees.

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

6 **SEC. 9. RESCISSION OF CERTAIN FEDERAL EXPENSES.**

7 (a)(1) Of the discretionary funds made available to
8 the agencies of the Federal Government in this Consoli-
9 dated Appropriations Act, \$1,350,000,000 are hereby re-
10 scinded.

11 (2) Rescissions required by this subsection shall be
12 taken on a pro rata basis from funds available to every
13 Federal agency, department, and office in the executive
14 branch for object class groups 20 (Contractual Services
15 and Supplies) and 30 (Acquisition of Assets), as used in
16 OMB Circular A-11.

17 (b)(1) Of the discretionary funds made available to
18 the agencies of the Federal Government in this Consoli-
19 dated Appropriations Act, \$2,000,000,000 are hereby re-
20 scinded.

21 (2) Rescissions required by this subsection shall be
22 based on costs to the executive branch for the budgeted
23 allowance for the January 2011 civilian pay raise amount
24 described in section 32.1 of OMB Circular No. A-11 (Re-

1 vised—November 2009) and requested at 1.4 percent in
2 the 2011 President’s budget submission.

3 (c) OMB shall administer the rescissions made pursu-
4 ant to this section.

5 (d) Not later than 30 days after the date of the enact-
6 ment of this Act, the Director of the Office of Manage-
7 ment and Budget shall submit to the Committees on Ap-
8 propriations a listing of the amounts by account of the
9 rescissions made pursuant to the provisions of subsections
10 (a) and (b), including an explanation of the methodology
11 used to identify the offices, accounts, and amounts re-
12 scinded.

13 **SEC. 10. LIMITATION ON AWARD OF CERTAIN SPECIFIC**
14 **PROJECTS.**

15 Specific projects contained in the explanatory state-
16 ment accompanying this Act that are considered congres-
17 sional earmarks for purposes of clause 9 of rule XXI of
18 the Rules of the House of Representatives, and are attrib-
19 uted to members of the House of Representatives in the
20 Disclosure of Earmarks and Congressionally Directed
21 Spending Items, shall not be awarded if the entity listed
22 is a for-profit entity.

23 **SEC. 11. IRAN SANCTIONS.**

24 None of the funds appropriated or otherwise made
25 available by this Act may be obligated by any covered exec-

1 utive agency in contravention of the certification require-
2 ment of section 6(b) of the Iran Sanctions Act of 1996,
3 as included in the revisions to the Federal Acquisition
4 Regulation pursuant to such section.

5 **SEC. 12. DETAINEE TRANSFER RESTRICTIONS.**

6 (a) None of the funds made available in this or any
7 prior Act may be used to transfer, release, or assist in
8 the transfer or release to or within the United States, its
9 territories, or possessions Khalid Sheikh Mohammed or
10 any other detainee who—

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

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

16 (b) The prohibition under subsection (a) shall termi-
17 nate on the earlier of the date of the enactment of an Act
18 authorizing appropriations for fiscal year 2011 for the De-
19 partment of Defense that includes a provision regarding
20 the release or transfer of detainees held at the United
21 States Naval Station, Guantanamo Bay, Cuba, by the De-
22 partment of Defense, or September 30, 2011.

1 **DIVISION A—AGRICULTURE, RURAL DE-**
2 **VELOPMENT, FOOD AND DRUG ADMIN-**
3 **ISTRATION, AND RELATED AGENCIES**
4 **APPROPRIATIONS ACT, 2011**

5 TITLE I

6 AGRICULTURAL PROGRAMS

7 PRODUCTION, PROCESSING AND MARKETING

8 OFFICE OF THE SECRETARY

9 For necessary expenses of the Office of the Secretary
10 of Agriculture, \$5,338,000: *Provided*, That not to exceed
11 \$11,000 of this amount shall be available for official recep-
12 tion and representation expenses, not otherwise provided
13 for, as determined by the Secretary.

14 OFFICE OF TRIBAL RELATIONS

15 For necessary expenses of the Office of Tribal Rela-
16 tions, \$1,010,000, to support communication and con-
17 sultation activities with Federally Recognized Tribes, as
18 well as other requirements established by law.

19 HEALTHY FOOD FINANCING INITIATIVE

20 For necessary expenses of the Secretary to carry out
21 demonstration projects to increase access to healthy foods
22 through retail outlets, \$35,000,000, to remain available
23 until September 30, 2012, which the Secretary may use
24 for the cost of grants (including for technical assistance),
25 loans, and loan guarantees; and may use, not to exceed

1 \$1,000,000, for the Federal administrative costs of car-
2 rying out and evaluating such demonstration projects:
3 *Provided*, That the Secretary, to carry out such dem-
4 onstration projects, may use one or more consolidated so-
5 licitation and application processes: *Provided further*, That
6 any funds provided for under this heading for such dem-
7 onstration projects shall be in addition to any other funds
8 that the Secretary may use for carrying out such projects.

9 EXECUTIVE OPERATIONS

10 OFFICE OF THE CHIEF ECONOMIST

11 For necessary expenses of the Office of the Chief
12 Economist, \$13,100,000.

13 NATIONAL APPEALS DIVISION

14 For necessary expenses of the National Appeals Divi-
15 sion, \$15,417,000.

16 OFFICE OF BUDGET AND PROGRAM ANALYSIS

17 For necessary expenses of the Office of Budget and
18 Program Analysis, \$9,547,000.

19 OFFICE OF HOMELAND SECURITY

20 For necessary expenses of the Office of Homeland Se-
21 curity, \$1,876,000.

22 OFFICE OF ADVOCACY AND OUTREACH

23 For necessary expenses of the Office of Advocacy and
24 Outreach, \$6,209,000: *Provided*, That \$4,000,000 shall be

1 for grants authorized by section 14204 of the Food, Con-
2 servation, and Energy Act of 2008.

3 OFFICE OF THE CHIEF INFORMATION OFFICER

4 For necessary expenses of the Office of the Chief In-
5 formation Officer, \$61,719,000.

6 OFFICE OF THE CHIEF FINANCIAL OFFICER

7 For necessary expenses of the Office of the Chief Fi-
8 nancial Officer, \$6,632,000: *Provided*, That no funds
9 made available by this appropriation may be obligated for
10 FAIR Act or Circular A-76 activities until the Secretary
11 has submitted to the Committees on Appropriations of
12 both Houses of Congress and the Committee on Oversight
13 and Government Reform of the House of Representatives
14 a report on the Department's contracting out policies, in-
15 cluding agency budgets for contracting out.

16 OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL
17 RIGHTS

18 For necessary expenses of the Office of the Assistant
19 Secretary for Civil Rights, \$907,000.

20 OFFICE OF CIVIL RIGHTS

21 For necessary expenses of the Office of Civil Rights,
22 \$24,133,000.

1 OFFICE OF THE ASSISTANT SECRETARY FOR
2 ADMINISTRATION

3 For necessary expenses of the Office of the Assistant
4 Secretary for Administration, \$814,000.

5 AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL
6 PAYMENTS

7 (INCLUDING TRANSFERS OF FUNDS)

8 For payment of space rental and related costs pursu-
9 ant to Public Law 92–313, including authorities pursuant
10 to the 1984 delegation of authority from the Adminis-
11 trator of General Services to the Department of Agri-
12 culture under 40 U.S.C. 486, for programs and activities
13 of the Department which are included in this Act, and for
14 alterations and other actions needed for the Department
15 and its agencies to consolidate unneeded space into con-
16 figurations suitable for release to the Administrator of
17 General Services, and for the operation, maintenance, im-
18 provement, and repair of Agriculture buildings and facili-
19 ties, and for related costs, \$261,608,000, to remain avail-
20 able until expended, of which \$178,470,000 shall be avail-
21 able for payments to the General Services Administration
22 for rent; of which \$13,800,000 for payment to the Depart-
23 ment of Homeland Security for building security activities;
24 and of which \$69,338,000 for buildings operations and
25 maintenance expenses: *Provided*, That the Secretary is au-

1 thORIZED to transfer funds from a Departmental agency
2 to this account to recover the full cost of the space and
3 security expenses of that agency that are funded by this
4 account when the actual costs exceed the agency estimate
5 which will be available for the activities and payments de-
6 scribed herein.

7 HAZARDOUS MATERIALS MANAGEMENT

8 (INCLUDING TRANSFERS OF FUNDS)

9 For necessary expenses of the Department of Agri-
10 culture, to comply with the Comprehensive Environmental
11 Response, Compensation, and Liability Act (42 U.S.C.
12 9601 et seq.) and the Resource Conservation and Recovery
13 Act (42 U.S.C. 6901 et seq.), \$5,139,000, to remain avail-
14 able until expended: *Provided*, That appropriations and
15 funds available herein to the Department for Hazardous
16 Materials Management may be transferred to any agency
17 of the Department for its use in meeting all requirements
18 pursuant to the above Acts on Federal and non-Federal
19 lands.

20 DEPARTMENTAL ADMINISTRATION

21 (INCLUDING TRANSFERS OF FUNDS)

22 For Departmental Administration, \$29,706,000, to
23 provide for necessary expenses for management support
24 services to offices of the Department and for general ad-
25 ministration, security, repairs and alterations, and other

1 miscellaneous supplies and expenses not otherwise pro-
2 vided for and necessary for the practical and efficient work
3 of the Department: *Provided*, That this appropriation shall
4 be reimbursed from applicable appropriations in this Act
5 for travel expenses incident to the holding of hearings as
6 required by 5 U.S.C. 551–558.

7 OFFICE OF THE ASSISTANT SECRETARY FOR
8 CONGRESSIONAL RELATIONS
9 (INCLUDING TRANSFERS OF FUNDS)

10 For necessary expenses of the Office of the Assistant
11 Secretary for Congressional Relations to carry out the pro-
12 grams funded by this Act, including programs involving
13 intergovernmental affairs and liaison within the executive
14 branch, \$4,008,000: *Provided*, That these funds may be
15 transferred to agencies of the Department of Agriculture
16 funded by this Act to maintain personnel at the agency
17 level: *Provided further*, That no funds made available by
18 this appropriation may be obligated after 30 days from
19 the date of enactment of this Act, unless the Secretary
20 has notified the Committees on Appropriations of both
21 Houses of Congress on the allocation of these funds by
22 USDA agency: *Provided further*, That no other funds ap-
23 propriated to the Department by this Act shall be available
24 to the Department for support of activities of congres-
25 sional relations.

1 OFFICE OF COMMUNICATIONS

2 For necessary expenses of the Office of Communica-
3 tions, \$9,839,000.

4 OFFICE OF INSPECTOR GENERAL

5 For necessary expenses of the Office of Inspector
6 General, including employment pursuant to the Inspector
7 General Act of 1978, \$94,300,000, including such sums
8 as may be necessary for contracting and other arrange-
9 ments with public agencies and private persons pursuant
10 to section 6(a)(9) of the Inspector General Act of 1978,
11 and including not to exceed \$125,000 for certain confiden-
12 tial operational expenses, including the payment of inform-
13 ants, to be expended under the direction of the Inspector
14 General pursuant to Public Law 95-452 and section 1337
15 of Public Law 97-98.

16 OFFICE OF THE GENERAL COUNSEL

17 For necessary expenses of the Office of the General
18 Counsel, \$44,104,000.

19 OFFICE OF THE UNDER SECRETARY FOR RESEARCH,

20 EDUCATION AND ECONOMICS

21 For necessary expenses of the Office of the Under
22 Secretary for Research, Education and Economics,
23 \$904,000.

1 ECONOMIC RESEARCH SERVICE

2 For necessary expenses of the Economic Research
3 Service, \$83,671,000.

4 NATIONAL AGRICULTURAL STATISTICS SERVICE

5 For necessary expenses of the National Agricultural
6 Statistics Service, \$161,371,000, of which up to
7 \$33,494,000 shall be available until expended for the Cen-
8 sus of Agriculture.

9 AGRICULTURAL RESEARCH SERVICE

10 SALARIES AND EXPENSES

11 For necessary expenses of the Agricultural Research
12 Service and for acquisition of lands by donation, exchange,
13 or purchase at a nominal cost not to exceed \$100, and
14 for land exchanges where the lands exchanged shall be of
15 equal value or shall be equalized by a payment of money
16 to the grantor which shall not exceed 25 percent of the
17 total value of the land or interests transferred out of Fed-
18 eral ownership, \$1,199,986,000: *Provided*, That appro-
19 priations hereunder shall be available for the operation
20 and maintenance of aircraft and the purchase of not to
21 exceed one for replacement only: *Provided further*, That
22 appropriations hereunder shall be available pursuant to 7
23 U.S.C. 2250 for the construction, alteration, and repair
24 of buildings and improvements, but unless otherwise pro-
25 vided, the cost of constructing any one building shall not

1 exceed \$375,000, except for headhouses or greenhouses
2 which shall each be limited to \$1,200,000, and except for
3 10 buildings to be constructed or improved at a cost not
4 to exceed \$750,000 each, and the cost of altering any one
5 building during the fiscal year shall not exceed 10 percent
6 of the current replacement value of the building or
7 \$375,000, whichever is greater: *Provided further*, That the
8 limitations on alterations contained in this Act shall not
9 apply to modernization or replacement of existing facilities
10 at Beltsville, Maryland: *Provided further*, That the fore-
11 going limitations shall not apply to the purchase of land
12 from the Maine Farmland Trust, Unity, Maine, for the
13 purpose of establishing an organic agricultural research
14 program: *Provided further*, That appropriations hereunder
15 shall be available for granting easements at the Beltsville
16 Agricultural Research Center: *Provided further*, That the
17 foregoing limitations shall not apply to replacement of
18 buildings needed to carry out the Act of April 24, 1948
19 (21 U.S.C. 113a): *Provided further*, That funds may be
20 received from any State, other political subdivision, orga-
21 nization, or individual for the purpose of establishing or
22 operating any research facility or research project of the
23 Agricultural Research Service, as authorized by law.

1 BUILDINGS AND FACILITIES

2 For acquisition of land, construction, repair, improve-
3 ment, extension, alteration, and purchase of fixed equip-
4 ment or facilities as necessary to carry out the agricultural
5 research programs of the Department of Agriculture,
6 where not otherwise provided, \$67,966,000, to remain
7 available until expended.

8 NATIONAL INSTITUTE OF FOOD AND AGRICULTURE

9 RESEARCH AND EDUCATION ACTIVITIES

10 For payments to agricultural experiment stations, for
11 cooperative forestry and other research, for facilities, and
12 for other expenses, \$806,495,000, as follows: to carry out
13 the provisions of the Hatch Act of 1887 (7 U.S.C. 361a-
14 i), \$215,000,000; for grants for cooperative forestry re-
15 search (16 U.S.C. 582a through a-7), \$29,000,000; for
16 payments to eligible institutions (7 U.S.C. 3222),
17 \$49,750,000, provided that each institution receives no
18 less than \$1,000,000; for special grants (7 U.S.C.
19 450i(c)), \$75,517,000; for competitive grants on improved
20 pest control (7 U.S.C. 450i(c)), \$16,185,000; for competi-
21 tive grants (7 U.S.C. 450(i)(b)), \$288,730,000, to remain
22 available until expended; for the support of animal health
23 and disease programs (7 U.S.C. 3195), \$2,950,000; for
24 supplemental and alternative crops and products (7
25 U.S.C. 3319d), \$835,000; for grants for research pursu-

1 ant to the Critical Agricultural Materials Act (7 U.S.C.
2 178 et seq.), \$1,083,000, to remain available until ex-
3 pended; for the 1994 research grants program for 1994
4 institutions pursuant to section 536 of Public Law 103-
5 382 (7 U.S.C. 301 note), \$1,805,000, to remain available
6 until expended; for rangeland research grants (7 U.S.C.
7 3333), \$983,000; for higher education graduate fellowship
8 grants (7 U.S.C. 3152(b)(6)), \$3,859,000, to remain
9 available until expended (7 U.S.C. 2209b); for a program
10 pursuant to section 1415A of the National Agricultural
11 Research, Extension, and Teaching Policy Act of 1977 (7
12 U.S.C. 3151a), \$5,000,000, to remain available until ex-
13 pended; for higher education challenge grants (7 U.S.C.
14 3152(b)(1)), \$5,654,000; for a higher education multicul-
15 tural scholars program (7 U.S.C. 3152(b)(5)),
16 \$1,241,000, to remain available until expended (7 U.S.C.
17 2209b); for an education grants program for Hispanic-
18 serving Institutions (7 U.S.C. 3241), \$9,619,000; for com-
19 petitive grants for the purpose of carrying out all provi-
20 sions of 7 U.S.C. 3156 to individual eligible institutions
21 or consortia of eligible institutions in Alaska and in Ha-
22 waii, with funds awarded equally to each of the States of
23 Alaska and Hawaii, \$3,200,000; for a secondary agri-
24 culture education program and 2-year post-secondary edu-
25 cation (7 U.S.C. 3152(j)), \$983,000; for aquaculture

1 grants (7 U.S.C. 3322), \$3,928,000; for sustainable agri-
2 culture research and education (7 U.S.C. 5811),
3 \$15,000,000; for a program of capacity building grants
4 (7 U.S.C. 3152(b)(4)) to institutions eligible to receive
5 funds under 7 U.S.C. 3221 and 3222, \$19,375,000, to
6 remain available until expended (7 U.S.C. 2209b); for pay-
7 ments to the 1994 Institutions pursuant to section
8 534(a)(1) of Public Law 103–382, \$3,342,000; for resi-
9 dent instruction grants for insular areas under section
10 1491 of the National Agricultural Research, Extension,
11 and Teaching Policy Act of 1977 (7 U.S.C. 3363),
12 \$900,000; for distance education grants for insular areas
13 under section 1490 of the National Agricultural Research,
14 Extension, and Teaching Policy Act of 1977 (7 U.S.C.
15 3362), \$750,000; for grants to upgrade agriculture and
16 food sciences facilities and equipment for insular areas
17 under section 1447B of the National Agricultural Re-
18 search, Extension, and Teaching Policy Act of 1977 (7
19 U.S.C. 3222b–2), \$750,000; for foreign agricultural schol-
20 arship grants under section 1458(a)(11) of the National
21 Agricultural Research, Extension, and Teaching Policy
22 Act of 1977 (7 U.S.C. 3291(a)), as amended, \$500,000;
23 for a new era rural technology program pursuant to sec-
24 tion 1473E of the National Agricultural Research, Exten-
25 sion, and Teaching Policy Act of 1977 (7 U.S.C. 3319e),

1 \$875,000; for a competitive grants program for farm busi-
2 ness management and benchmarking (7 U.S.C. 5925f),
3 \$1,250,000; for a competitive grants program regarding
4 biobased energy (7 U.S.C. 8114), \$2,250,000; and for nec-
5 essary expenses of Research and Education Activities,
6 \$46,181,000, of which \$2,704,000 for the Research, Edu-
7 cation, and Economics Information System and
8 \$2,136,000 for the Electronic Grants Information System,
9 are to remain available until expended.

10 HISPANIC-SERVING AGRICULTURAL COLLEGES AND
11 UNIVERSITIES ENDOWMENT FUND

12 For the Hispanic-Serving Agricultural Colleges and
13 Universities Endowment Fund under section 1456 (7
14 U.S.C. 3243) of the National Agricultural Research, Ex-
15 tension, and Teaching Policy Act of 1977, \$10,000,000,
16 to remain available until expended.

17 NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

18 For the Native American Institutions Endowment
19 Fund authorized by Public Law 103–382 (7 U.S.C. 301
20 note), \$11,880,000, to remain available until expended.

21 EXTENSION ACTIVITIES

22 For payments to States, the District of Columbia,
23 Puerto Rico, Guam, the Virgin Islands, Micronesia, the
24 Northern Marianas, and American Samoa, \$499,376,000,
25 as follows: payments for cooperative extension work under

1 the Smith-Lever Act, to be distributed under sections 3(b)
2 and 3(c) of said Act, and under section 208(e) of Public
3 Law 93–471, for retirement and employees’ compensation
4 costs for extension agents, \$297,500,000; payments for
5 extension work at the 1994 Institutions under the Smith-
6 Lever Act (7 U.S.C. 343(b)(3)), \$5,321,000; payments for
7 the nutrition and family education program for low-income
8 areas under section 3(d) of the Act, \$68,070,000; pay-
9 ments for the pest management program under section
10 3(d) of the Act, \$9,938,000; payments for the farm safety
11 program under section 3(d) of the Act, \$4,863,000; pay-
12 ments for New Technologies for Ag Extension under sec-
13 tion 3(d) of the Act, \$1,750,000; payments to upgrade re-
14 search, extension, and teaching facilities at institutions eli-
15 gible to receive funds under 7 U.S.C. 3221 and 3222, and
16 payments to upgrade facilities under 7 U.S.C. 3222b–1,
17 \$22,000,000, to remain available until expended; pay-
18 ments for youth-at-risk programs under section 3(d) of the
19 Smith-Lever Act, \$8,412,000; for youth farm safety edu-
20 cation and certification extension grants, to be awarded
21 competitively under section 3(d) of the Act, \$486,000;
22 payments for carrying out the provisions of the Renewable
23 Resources Extension Act of 1978 (16 U.S.C. 1671 et
24 seq.), \$4,068,000; payments for the federally recognized
25 Tribes Extension Program under section 3(d) of the

1 cation grants program authorized under section 1459A of
2 the National Agricultural Research, Extension, and
3 Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain
4 available until expended, \$3,000,000; for grants programs
5 authorized under section 2(c)(1)(B) of Public Law 89–
6 106, as amended, \$732,000, to remain available until Sep-
7 tember 30, 2012, for the critical issues program;
8 \$1,312,000 for the regional rural development centers pro-
9 gram; for grants authorized under section 1624 (7 U.S.C.
10 5813), \$10,000,000; and \$9,830,000 for the Food and
11 Agriculture Defense Initiative authorized under section
12 1484 of the National Agricultural Research, Extension,
13 and Teaching Policy Act of 1977, to remain available until
14 September 30, 2012.

15 OFFICE OF THE UNDER SECRETARY FOR MARKETING
16 AND REGULATORY PROGRAMS

17 For necessary expenses of the Office of the Under
18 Secretary for Marketing and Regulatory Programs,
19 \$904,000.

20 ANIMAL AND PLANT HEALTH INSPECTION SERVICE

21 SALARIES AND EXPENSES

22 (INCLUDING TRANSFERS OF FUNDS)

23 For necessary expenses of the Animal and Plant
24 Health Inspection Service, including up to \$30,000 for
25 representation allowances and for expenses pursuant to

1 the Foreign Service Act of 1980 (22 U.S.C. 4085),
2 \$903,794,000, of which \$1,585,000 shall be available for
3 the control of outbreaks of insects, plant diseases, animal
4 diseases and for control of pest animals and birds (“con-
5 tingency fund”) to the extent necessary to meet emergency
6 conditions; of which \$22,254,000 shall be used for the cot-
7 ton pests program for cost share purposes or for debt re-
8 tirement for active eradication zones; of which \$900,000
9 shall be for activities under the authority of the Horse
10 Protection Act of 1970, as amended (15 U.S.C. 1831);
11 of which \$45,219,000 shall be used to prevent and control
12 avian influenza and shall remain available until expended:
13 *Provided*, That funds provided for the contingency fund
14 to meet emergency conditions, \$4,474,000 for information
15 technology infrastructure, \$63,568,000 for the fruit fly
16 program, \$169,163,000 for emerging plant pests, cotton
17 pests program, \$5,637,000 for the grasshopper and mor-
18 mon cricket program, \$2,129,000 for the plum pox pro-
19 gram, \$3,771,000 for the National Veterinary Stockpile,
20 \$1,500,000 in the scrapie program for indemnities,
21 \$1,000,000 for wildlife services methods development,
22 \$1,500,000 of the wildlife services operations program,
23 and \$5,060,750 of the screwworm program shall remain
24 available until expended: *Provided further*, That no funds
25 shall be used to formulate or administer a brucellosis

1 eradication program for the current fiscal year that does
2 not require minimum matching by the States of at least
3 40 percent: *Provided further*, That this appropriation shall
4 be available for the operation and maintenance of aircraft
5 and the purchase of not to exceed four, of which two shall
6 be for replacement only: *Provided further*, That, in addi-
7 tion, in emergencies which threaten any segment of the
8 agricultural production industry of this country, the Sec-
9 retary may transfer from other appropriations or funds
10 available to the agencies or corporations of the Depart-
11 ment such sums as may be deemed necessary, to be avail-
12 able only in such emergencies for the arrest and eradi-
13 cation of contagious or infectious disease or pests of ani-
14 mals, poultry, or plants, and for expenses in accordance
15 with sections 10411 and 10417 of the Animal Health Pro-
16 tection Act (7 U.S.C. 8310 and 8316) and sections 431
17 and 442 of the Plant Protection Act (7 U.S.C. 7751 and
18 7772), and any unexpended balances of funds transferred
19 for such emergency purposes in the preceding fiscal year
20 shall be merged with such transferred amounts: *Provided*
21 *further*, That appropriations hereunder shall be available
22 pursuant to law (7 U.S.C. 2250) for the repair and alter-
23 ation of leased buildings and improvements, but unless
24 otherwise provided the cost of altering any one building

1 during the fiscal year shall not exceed 10 percent of the
2 current replacement value of the building.

3 In fiscal year 2011, the agency is authorized to collect
4 fees to cover the total costs of providing technical assist-
5 ance, goods, or services requested by States, other political
6 subdivisions, domestic and international organizations,
7 foreign governments, or individuals, provided that such
8 fees are structured such that any entity's liability for such
9 fees is reasonably based on the technical assistance, goods,
10 or services provided to the entity by the agency, and such
11 fees shall be credited to this account, to remain available
12 until expended, without further appropriation, for pro-
13 viding such assistance, goods, or services.

14 BUILDINGS AND FACILITIES

15 For plans, construction, repair, preventive mainte-
16 nance, environmental support, improvement, extension, al-
17 teration, and purchase of fixed equipment or facilities, as
18 authorized by 7 U.S.C. 2250, and acquisition of land as
19 authorized by 7 U.S.C. 428a, \$4,536,000, to remain avail-
20 able until expended.

21 AGRICULTURAL MARKETING SERVICE

22 MARKETING SERVICES

23 For necessary expenses of the Agricultural Marketing
24 Service, \$96,645,000: *Provided*, That this appropriation
25 shall be available pursuant to law (7 U.S.C. 2250) for the

1 alteration and repair of buildings and improvements, but
2 the cost of altering any one building during the fiscal year
3 shall not exceed 10 percent of the current replacement
4 value of the building.

5 Fees may be collected for the cost of standardization
6 activities, as established by regulation pursuant to law (31
7 U.S.C. 9701).

8 LIMITATION ON ADMINISTRATIVE EXPENSES

9 Not to exceed \$60,947,000 (from fees collected) shall
10 be obligated during the current fiscal year for administra-
11 tive expenses: *Provided*, That if crop size is understated
12 and/or other uncontrollable events occur, the agency may
13 exceed this limitation by up to 10 percent with notification
14 to the Committees on Appropriations of both Houses of
15 Congress.

16 FUNDS FOR STRENGTHENING MARKETS, INCOME, AND

17 SUPPLY (SECTION 32)

18 (INCLUDING TRANSFERS OF FUNDS)

19 Funds available under section 32 of the Act of Au-
20 gust 24, 1935 (7 U.S.C. 612c), shall be used only for com-
21 modity program expenses as authorized therein, and other
22 related operating expenses, except for: (1) transfers to the
23 Department of Commerce as authorized by the Fish and
24 Wildlife Act of August 8, 1956; (2) transfers otherwise
25 provided in this Act; and (3) not more than \$20,283,000

1 for formulation and administration of marketing agree-
 2 ments and orders pursuant to the Agricultural Marketing
 3 Agreement Act of 1937 and the Agricultural Act of 1961.

4 PAYMENTS TO STATES AND POSSESSIONS

5 For payments to departments of agriculture, bureaus
 6 and departments of markets, and similar agencies for
 7 marketing activities under section 204(b) of the Agricul-
 8 tural Marketing Act of 1946 (7 U.S.C. 1623(b)),
 9 \$2,484,000.

10 GRAIN INSPECTION, PACKERS AND STOCKYARDS

11 ADMINISTRATION

12 SALARIES AND EXPENSES

13 For necessary expenses of the Grain Inspection,
 14 Packers and Stockyards Administration, \$43,742,000:
 15 *Provided*, That this appropriation shall be available pursu-
 16 ant to law (7 U.S.C. 2250) for the alteration and repair
 17 of buildings and improvements, but the cost of altering
 18 any one building during the fiscal year shall not exceed
 19 10 percent of the current replacement value of the build-
 20 ing.

21 LIMITATION ON INSPECTION AND WEIGHING SERVICES

22 EXPENSES

23 Not to exceed \$50,000,000 (from fees collected) shall
 24 be obligated during the current fiscal year for inspection
 25 and weighing services: *Provided*, That if grain export ac-

1 tivities require additional supervision and oversight, or
2 other uncontrollable factors occur, this limitation may be
3 exceeded by up to 10 percent with notification to the Com-
4 mittees on Appropriations of both Houses of Congress.

5 OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

6 For necessary expenses of the Office of the Under
7 Secretary for Food Safety, \$821,000.

8 FOOD SAFETY AND INSPECTION SERVICE

9 For necessary expenses to carry out services author-
10 ized by the Federal Meat Inspection Act, the Poultry
11 Products Inspection Act, and the Egg Products Inspection
12 Act, including not to exceed \$50,000 for representation
13 allowances and for expenses pursuant to section 8 of the
14 Act approved August 3, 1956 (7 U.S.C. 1766),
15 \$1,047,200,000; and in addition, \$1,000,000 may be cred-
16 ited to this account from fees collected for the cost of lab-
17 oratory accreditation as authorized by section 1327 of the
18 Food, Agriculture, Conservation and Trade Act of 1990
19 (7 U.S.C. 138f): *Provided*, That funds provided for the
20 Public Health Data Communication Infrastructure system
21 and implementation of section 11016 of Public Law 110-
22 246 shall remain available until expended: *Provided fur-*
23 *ther*, That no fewer than 140 full-time equivalent positions
24 shall be employed during fiscal year 2011 for purposes
25 dedicated solely to inspections and enforcement related to

1 the Humane Methods of Slaughter Act: *Provided further*,
 2 That of the amount available under this heading,
 3 \$3,000,000 shall be obligated to maintain the Humane
 4 Animal Tracking System as part of the Public Health
 5 Data Communication Infrastructure System: *Provided*
 6 *further*, That this appropriation shall be available pursu-
 7 ant to law (7 U.S.C. 2250) for the alteration and repair
 8 of buildings and improvements, but the cost of altering
 9 any one building during the fiscal year shall not exceed
 10 10 percent of the current replacement value of the build-
 11 ing.

12 OFFICE OF THE UNDER SECRETARY FOR FARM AND
 13 FOREIGN AGRICULTURAL SERVICES

14 For necessary expenses of the Office of the Under
 15 Secretary for Farm and Foreign Agricultural Services,
 16 \$904,000.

17 FARM SERVICE AGENCY
 18 SALARIES AND EXPENSES

19 (INCLUDING TRANSFERS OF FUNDS)

20 For necessary expenses of the Farm Service Agency,
 21 \$1,325,650,000: *Provided*, That the Secretary is author-
 22 ized to use the services, facilities, and authorities (but not
 23 the funds) of the Commodity Credit Corporation to make
 24 program payments for all programs administered by the
 25 Agency: *Provided further*, That other funds made available

1 to the Agency for authorized activities may be advanced
2 to and merged with this account: *Provided further*, That
3 funds made available to county committees shall remain
4 available until expended.

5 STATE MEDIATION GRANTS

6 For grants pursuant to section 502(b) of the Agricul-
7 tural Credit Act of 1987, as amended (7 U.S.C. 5101-
8 5106), \$4,185,000.

9 GRASSROOTS SOURCE WATER PROTECTION PROGRAM

10 For necessary expenses to carry out wellhead or
11 groundwater protection activities under section 12400 of
12 the Food Security Act of 1985 (16 U.S.C. 3839bb-2),
13 \$5,500,000, to remain available until expended.

14 DAIRY INDEMNITY PROGRAM

15 (INCLUDING TRANSFER OF FUNDS)

16 For necessary expenses involved in making indemnity
17 payments to dairy farmers and manufacturers of dairy
18 products under a dairy indemnity program, such sums as
19 may be necessary, to remain available until expended: *Pro-*
20 *vided*, That such program is carried out by the Secretary
21 in the same manner as the dairy indemnity program de-
22 scribed in the Agriculture, Rural Development, Food and
23 Drug Administration, and Related Agencies Appropria-
24 tions Act, 2001 (Public Law 106-387, 114 Stat. 1549A-
25 12).

1 weevil for the purpose of boll weevil eradication program
2 loans.

3 For the cost of direct and guaranteed loans, including
4 the cost of modifying loans as defined in section 502 of
5 the Congressional Budget Act of 1974, as follows: farm
6 ownership loans, \$38,570,000, of which \$5,700,000 shall
7 be for unsubsidized guaranteed loans, and \$32,870,000
8 shall be for direct loans; operating loans, \$109,410,000,
9 of which \$34,950,000 shall be for unsubsidized guaran-
10 teed loans, \$19,920,000 shall be for subsidized guaranteed
11 loans, and \$54,540,000 shall be for direct loans; conserva-
12 tion loans, \$2,528,000, of which \$285,000 shall be for
13 guaranteed loans, and \$2,243,000 shall be for direct
14 loans; and Indian highly fractionated land loans,
15 \$214,000.

16 In addition, for administrative expenses necessary to
17 carry out the direct and guaranteed loan programs,
18 \$321,093,000, of which \$313,173,000 shall be paid to the
19 appropriation for “Farm Service Agency, Salaries and Ex-
20 penses”.

21 Funds appropriated by this Act to the Agricultural
22 Credit Insurance Fund Program Account for farm owner-
23 ship, operating and conservation direct loans and guaran-
24 teed loans may be transferred among these programs: *Pro-*
25 *vided*, That the Committees on Appropriations of both

1 Houses of Congress are notified at least 15 days in ad-
2 vance of any transfer.

3 RISK MANAGEMENT AGENCY

4 For necessary expenses of the Risk Management
5 Agency, \$83,064,000: *Provided*, That the funds made
6 available under section 522(e) of the Federal Crop Insur-
7 ance Act (7 U.S.C. 1522(e)) may be used for the Common
8 Information Management System: *Provided further*, That
9 not to exceed \$1,000 shall be available for official recep-
10 tion and representation expenses, as authorized by 7
11 U.S.C. 1506(i).

12 CORPORATIONS

13 The following corporations and agencies are hereby
14 authorized to make expenditures, within the limits of
15 funds and borrowing authority available to each such cor-
16 poration or agency and in accord with law, and to make
17 contracts and commitments without regard to fiscal year
18 limitations as provided by section 104 of the Government
19 Corporation Control Act as may be necessary in carrying
20 out the programs set forth in the budget for the current
21 fiscal year for such corporation or agency, except as here-
22 inafter provided.

1 FEDERAL CROP INSURANCE CORPORATION FUND

2 For payments as authorized by section 516 of the
3 Federal Crop Insurance Act (7 U.S.C. 1516), such sums
4 as may be necessary, to remain available until expended.

5 COMMODITY CREDIT CORPORATION FUND

6 REIMBURSEMENT FOR NET REALIZED LOSSES

7 (INCLUDING TRANSFERS OF FUNDS)

8 For the current fiscal year, such sums as may be nec-
9 essary to reimburse the Commodity Credit Corporation for
10 net realized losses sustained, but not previously reim-
11 bursed, pursuant to section 2 of the Act of August 17,
12 1961 (15 U.S.C. 713a-11): *Provided*, That of the funds
13 available to the Commodity Credit Corporation under sec-
14 tion 11 of the Commodity Credit Corporation Charter Act
15 (15 U.S.C. 714i) for the conduct of its business with the
16 Foreign Agricultural Service, up to \$5,000,000 may be
17 transferred to and used by the Foreign Agricultural Serv-
18 ice for information resource management activities of the
19 Foreign Agricultural Service that are not related to Com-
20 modity Credit Corporation business.

21 HAZARDOUS WASTE MANAGEMENT

22 (LIMITATION ON EXPENSES)

23 For the current fiscal year, the Commodity Credit
24 Corporation shall not expend more than \$5,000,000 for
25 site investigation and cleanup expenses, and operations

1 and maintenance expenses to comply with the requirement
2 of section 107(g) of the Comprehensive Environmental
3 Response, Compensation, and Liability Act (42 U.S.C.
4 9607(g)), and section 6001 of the Resource Conservation
5 and Recovery Act (42 U.S.C. 6961).

6

TITLE II

7

CONSERVATION PROGRAMS

8

OFFICE OF THE UNDER SECRETARY FOR NATURAL

9

RESOURCES AND ENVIRONMENT

10 For necessary expenses of the Office of the Under
11 Secretary for Natural Resources and Environment,
12 \$904,000.

13

NATURAL RESOURCES CONSERVATION SERVICE

14

CONSERVATION OPERATIONS

15 For necessary expenses for carrying out the provi-
16 sions of the Act of April 27, 1935 (16 U.S.C. 590a-f),
17 including preparation of conservation plans and establish-
18 ment of measures to conserve soil and water (including
19 farm irrigation and land drainage and such special meas-
20 ures for soil and water management as may be necessary
21 to prevent floods and the siltation of reservoirs and to con-
22 trol agricultural related pollutants); operation of conserva-
23 tion plant materials centers; classification and mapping of
24 soil; dissemination of information; acquisition of lands,
25 water, and interests therein for use in the plant materials

1 program by donation, exchange, or purchase at a nominal
2 cost not to exceed \$100 pursuant to the Act of August
3 3, 1956 (7 U.S.C. 428a); purchase and erection or alter-
4 ation or improvement of permanent and temporary build-
5 ings; and operation and maintenance of aircraft,
6 \$922,433,000, to remain available until September 30,
7 2012: *Provided*, That appropriations hereunder shall be
8 available pursuant to 7 U.S.C. 2250 for construction and
9 improvement of buildings and public improvements at
10 plant materials centers, except that the cost of alterations
11 and improvements to other buildings and other public im-
12 provements shall not exceed \$250,000: *Provided further*,
13 That when buildings or other structures are erected on
14 non-Federal land, that the right to use such land is ob-
15 tained as provided in 7 U.S.C. 2250a.

16 WATERSHED AND FLOOD PREVENTION OPERATIONS

17 For necessary expenses to carry out preventive meas-
18 ures, including but not limited to research, engineering op-
19 erations, methods of cultivation, the growing of vegetation,
20 rehabilitation of existing works and changes in use of land,
21 in accordance with the Watershed Protection and Flood
22 Prevention Act (16 U.S.C. 1001–1005 and 1007–1009),
23 the provisions of the Act of April 27, 1935 (16 U.S.C.
24 590a–f), and in accordance with the provisions of laws re-

1 lating to the activities of the Department, \$18,485,000,
2 to remain available until expended.

3 WATERSHED REHABILITATION PROGRAM

4 For necessary expenses to carry out rehabilitation of
5 structural measures, in accordance with section 14 of the
6 Watershed Protection and Flood Prevention Act (16
7 U.S.C. 1012), and in accordance with the provisions of
8 laws relating to the activities of the Department,
9 \$20,497,000, to remain available until expended.

10 RESOURCE CONSERVATION AND DEVELOPMENT

11 For necessary expenses in planning and carrying out
12 projects for resource conservation and development and
13 for sound land use pursuant to the provisions of sections
14 31 and 32 of the Bankhead-Jones Farm Tenant Act (7
15 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27,
16 1935 (16 U.S.C. 590a–f); and subtitle H of title XV of
17 the Agriculture and Food Act of 1981 (16 U.S.C. 3451–
18 3461), \$50,730,000: *Provided*, That not to exceed
19 \$3,073,000 shall be available for national headquarters ac-
20 tivities.

1 TITLE III
2 RURAL DEVELOPMENT PROGRAMS
3 OFFICE OF THE UNDER SECRETARY FOR RURAL
4 DEVELOPMENT

5 For necessary expenses of the Office of the Under
6 Secretary for Rural Development, \$904,000.

7 RURAL DEVELOPMENT SALARIES AND EXPENSES
8 (INCLUDING TRANSFERS OF FUNDS)

9 For necessary expenses for carrying out the adminis-
10 tration and implementation of programs in the Rural De-
11 velopment mission area, including activities with institu-
12 tions concerning the development and operation of agricul-
13 tural cooperatives; and for cooperative agreements;
14 \$226,551,000: *Provided*, That notwithstanding any other
15 provision of law, funds appropriated under this section
16 may be used for advertising and promotional activities
17 that support the Rural Development mission area: *Pro-*
18 *vided further*, That not more than \$10,000 may be ex-
19 pended to provide modest nonmonetary awards to non-
20 USDA employees: *Provided further*, That any balances
21 available from prior years for the Rural Utilities Service,
22 Rural Housing Service, and the Rural Business–Coopera-
23 tive Service salaries and expenses accounts shall be trans-
24 ferred to and merged with this appropriation.

1 RURAL HOUSING SERVICE

2 RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

3 For gross obligations for the principal amount of di-
4 rect and guaranteed loans as authorized by title V of the
5 Housing Act of 1949, to be available from funds in the
6 rural housing insurance fund, as follows: \$25,840,256,000
7 for loans to section 502 borrowers, of which
8 \$1,840,256,000 shall be for direct loans, and of which
9 \$24,000,000,000 shall be for unsubsidized guaranteed
10 loans; \$34,004,000 for section 504 housing repair loans;
11 \$69,512,000 for section 515 rental housing; \$129,133,000
12 for section 538 guaranteed multi-family housing loans;
13 \$5,052,000 for section 524 site loans; \$11,449,000 for
14 credit sales of acquired property, of which up to
15 \$1,449,000 may be for multi-family credit sales; and
16 \$4,966,000 for section 523 self-help housing land develop-
17 ment loans.

18 For the cost of direct and guaranteed loans, including
19 the cost of modifying loans, as defined in section 502 of
20 the Congressional Budget Act of 1974, as follows: section
21 502 loans, \$115,200,000 shall be for direct loans; section
22 504 housing repair loans, \$6,437,000; repair, rehabilita-
23 tion, and new construction of section 515 rental housing,
24 \$23,446,000; section 538 multi-family housing guaranteed
25 loans, \$12,513,000; section 524 site development loans,

1 \$294,000; credit sales of acquired property, \$556,000;
2 and section 523 self-help land development housing loans,
3 \$288,000: *Provided*, That of the total amount appro-
4 priated in this paragraph, the amount equal to the amount
5 of Rural Housing Insurance Fund Program Account funds
6 allocated by the Secretary for Rural Economic Area Part-
7 nership Zones for the fiscal year 2010, shall be available
8 through June 30, 2011, for communities designated by the
9 Secretary of Agriculture as Rural Economic Area Partner-
10 ship Zones: *Provided further*, That section 538 multi-fam-
11 ily housing guaranteed loans funded pursuant to this
12 paragraph shall not be subject to a guarantee fee and the
13 interest on such loans may not be subsidized.

14 In addition, for administrative expenses necessary to
15 carry out the direct and guaranteed loan programs,
16 \$458,313,000 shall be paid to the appropriation for
17 “Rural Development, Salaries and Expenses”.

18 RENTAL ASSISTANCE PROGRAM

19 For rental assistance agreements entered into or re-
20 newed pursuant to the authority under section 521(a)(2)
21 or agreements entered into in lieu of debt forgiveness or
22 payments for eligible households as authorized by section
23 502(c)(5)(D) of the Housing Act of 1949, \$965,635,000;
24 and, in addition, such sums as may be necessary, as au-
25 thorized by section 521(c) of the Act, to liquidate debt

1 incurred prior to fiscal year 1992 to carry out the rental
2 assistance program under section 521(a)(2) of the Act:
3 *Provided*, That of this amount, up to \$5,958,000 shall be
4 available for debt forgiveness or payments for eligible
5 households as authorized by section 502(c)(5)(D) of the
6 Act, and not to exceed \$50,000 per project for advances
7 to nonprofit organizations or public agencies to cover di-
8 rect costs (other than purchase price) incurred in pur-
9 chasing projects pursuant to section 502(c)(5)(C) of the
10 Act: *Provided further*, That of this amount not less than
11 \$3,000,000 is available for newly constructed units fi-
12 nanced by section 515 of the Housing Act of 1949, and
13 not less than \$3,000,000 is for newly constructed units
14 financed under sections 514 and 516 of the Housing Act
15 of 1949: *Provided further*, That rental assistance agree-
16 ments entered into or renewed during the current fiscal
17 year shall be funded for a one-year period: *Provided fur-*
18 *ther*, That any unexpended balances remaining at the end
19 of such one-year agreements may be transferred and used
20 for the purposes of any debt reduction; maintenance, re-
21 pair, or rehabilitation of any existing projects; preserva-
22 tion; and rental assistance activities authorized under title
23 V of the Act: *Provided further*, That rental assistance pro-
24 vided under agreements entered into prior to fiscal year
25 2011 for a farm labor multi-family housing project fi-

1 nanced under section 514 or 516 of the Act may not be
 2 recaptured for use in another project until such assistance
 3 has remained unused for a period of 12 consecutive
 4 months, if such project has a waiting list of tenants seek-
 5 ing such assistance or the project has rental assistance
 6 eligible tenants who are not receiving such assistance: *Pro-*
 7 *vided further*, That such recaptured rental assistance shall,
 8 to the extent practicable, be applied to another farm labor
 9 multi-family housing project financed under section 514
 10 or 516 of the Act.

11 MULTI-FAMILY HOUSING REVITALIZATION PROGRAM

12 ACCOUNT

13 For the rural housing voucher program as authorized
 14 under section 542 of the Housing Act of 1949, but not-
 15 withstanding subsection (b) of such section, for the cost
 16 to conduct a housing demonstration program to provide
 17 revolving loans for the preservation of low-income multi-
 18 family housing projects, and for additional costs to con-
 19 duct a demonstration program for the preservation and
 20 revitalization of multi-family rental housing properties de-
 21 scribed in this paragraph, \$40,791,000, to remain avail-
 22 able until expended: *Provided*, That of the funds made
 23 available under this heading, \$14,000,000, shall be avail-
 24 able for rural housing vouchers to any low-income house-
 25 hold (including those not receiving rental assistance) re-

1 siding in a property originally financed with a section 515
2 loan which has been prepaid after September 30, 2005:
3 *Provided further*, That the amount of such voucher shall
4 be the difference between comparable market rent for the
5 section 515 unit and the tenant paid rent for such unit:
6 *Provided further*, That the vouchers be renewable subject
7 to the availability of annual appropriations: *Provided fur-*
8 *ther*, That the Secretary shall, to the maximum extent
9 practicable, administer such vouchers with current regula-
10 tions and administrative guidance applicable to section 8
11 housing vouchers administered by the Secretary of the De-
12 partment of Housing and Urban Development: *Provided*
13 *further*, That if the Secretary determines that the amount
14 made available for vouchers in this or any other Act is
15 not needed for vouchers, the Secretary may use such funds
16 for the demonstration programs for the preservation and
17 revitalization of multi-family rental housing properties de-
18 scribed in this paragraph: *Provided further*, That of the
19 funds made available under this heading, \$1,791,000 shall
20 be available for the cost of loans to private nonprofit orga-
21 nizations, or such nonprofit organizations' affiliate loan
22 funds and State and local housing finance agencies, to
23 carry out a housing demonstration program to provide re-
24 volving loans for the preservation of low-income multi-fam-
25 ily housing projects: *Provided further*, That loans under

1 such demonstration program shall have an interest rate
2 of not more than 1 percent direct loan to the recipient:
3 *Provided further*, That the Secretary may defer the inter-
4 est and principal payment to the Rural Housing Service
5 for up to 3 years and the term of such loans shall not
6 exceed 30 years: *Provided further*, That of the funds made
7 available under this heading, \$25,000,000 shall be avail-
8 able for a demonstration program for the preservation and
9 revitalization of the sections 514, 515, and 516 multi-fam-
10 ily rental housing properties to restructure existing USDA
11 multi-family housing loans, as the Secretary deems appro-
12 priate, expressly for the purposes of ensuring the project
13 has sufficient resources to preserve the project for the pur-
14 pose of providing safe and affordable housing for low-in-
15 come residents and farm laborers including reducing or
16 eliminating interest; deferring loan payments, subordi-
17 nating, reducing or reamortizing loan debt; and other fi-
18 nancial assistance including advances, payments and in-
19 centives (including the ability of owners to obtain reason-
20 able returns on investment) required by the Secretary:
21 *Provided further*, That the Secretary shall as part of the
22 preservation and revitalization agreement obtain a restric-
23 tive use agreement consistent with the terms of the re-
24 structuring: *Provided further*, That if the Secretary deter-
25 mines that additional funds for vouchers described in this

1 paragraph are needed, funds for the preservation and re-
2 talization demonstration program may be used for such
3 vouchers: *Provided further*, That if Congress enacts legis-
4 lation to permanently authorize a multi-family rental
5 housing loan restructuring program similar to the dem-
6 onstration program described herein, the Secretary may
7 use funds made available for the demonstration program
8 under this heading to carry out such legislation with the
9 prior approval of the Committees on Appropriations of
10 both Houses of Congress: *Provided further*, That in addi-
11 tion to any other available funds, the Secretary may ex-
12 pend not more than \$1,000,000 total, from the program
13 funds made available under this heading, for administra-
14 tive expenses for activities funded under this heading.

15 MUTUAL AND SELF-HELP HOUSING GRANTS

16 For grants and contracts pursuant to section
17 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C.
18 1490c), \$41,864,000, to remain available until expended:
19 *Provided*, That of the total amount appropriated under
20 this heading, the amount equal to the amount of Mutual
21 and Self-Help Housing Grants allocated by the Secretary
22 for Rural Economic Area Partnership Zones for the fiscal
23 year 2010, shall be available through June 30, 2011, for
24 communities designated by the Secretary of Agriculture
25 as Rural Economic Area Partnership Zones.

1 RURAL HOUSING ASSISTANCE GRANTS

2 For grants and contracts for very low-income housing
3 repair, supervisory and technical assistance, compensation
4 for construction defects, and rural housing preservation
5 made by the Rural Housing Service, as authorized by 42
6 U.S.C. 1474, 1479(e), 1490e, and 1490m, \$40,400,000,
7 to remain available until expended: *Provided*, That of the
8 total amount appropriated under this heading, the amount
9 equal to the amount of Rural Housing Assistance Grants
10 allocated by the Secretary for Rural Economic Area Part-
11 nership Zones for the fiscal year 2010, shall be available
12 through June 30, 2011, for communities designated by the
13 Secretary of Agriculture as Rural Economic Area Partner-
14 ship Zones.

15 FARM LABOR PROGRAM ACCOUNT

16 For the cost of direct loans, grants, and contracts,
17 as authorized by 42 U.S.C. 1484 and 1486, \$20,346,000,
18 to remain available until expended, for direct farm labor
19 housing loans and domestic farm labor housing grants and
20 contracts.

21 RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

22 (INCLUDING TRANSFERS OF FUNDS)

23 For the cost of direct loans, loan guarantees, and
24 grants for rural community facilities programs as author-
25 ized by section 306 and described in section 381E(d)(1)

1 of the Consolidated Farm and Rural Development Act,
2 \$52,678,000, to remain available until expended: *Pro-*
3 *vided*, That \$6,256,000 of the amount appropriated under
4 this heading shall be available for a Rural Community De-
5 velopment Initiative: *Provided further*, That such funds
6 shall be used solely to develop the capacity and ability of
7 private, nonprofit community-based housing and commu-
8 nity development organizations, low-income rural commu-
9 nities, and Federally Recognized Native American Tribes
10 to undertake projects to improve housing, community fa-
11 cilities, community and economic development projects in
12 rural areas: *Provided further*, That such funds shall be
13 made available to qualified private, nonprofit and public
14 intermediary organizations proposing to carry out a pro-
15 gram of financial and technical assistance: *Provided fur-*
16 *ther*, That such intermediary organizations shall provide
17 matching funds from other sources, including Federal
18 funds for related activities, in an amount not less than
19 funds provided: *Provided further*, That \$10,000,000 of the
20 amount appropriated under this heading shall be to pro-
21 vide grants for facilities in rural communities with extreme
22 unemployment and severe economic depression (Public
23 Law 106–387), with up to 5 percent for administration
24 and capacity building in the State rural development of-
25 fices: *Provided further*, That \$3,972,000 of the amount ap-

1 appropriated under this heading shall be available for com-
2 munity facilities grants to tribal colleges, as authorized by
3 section 306(a)(19) of such Act: *Provided further*, That of
4 the amount appropriated under this heading, the amount
5 equal to the amount of Rural Community Facilities Pro-
6 gram Account funds allocated by the Secretary for Rural
7 Economic Area Partnership Zones for the fiscal year
8 2010, shall be available through June 30, 2011, for com-
9 munities designated by the Secretary of Agriculture as
10 Rural Economic Area Partnership Zones for the rural
11 community programs described in section 381E(d)(1) of
12 the Consolidated Farm and Rural Development Act: *Pro-*
13 *vided further*, That sections 381E–H and 381N of the
14 Consolidated Farm and Rural Development Act are not
15 applicable to the funds made available under this heading:
16 *Provided further*, That any prior balances in the Rural De-
17 velopment, Rural Community Advancement Program ac-
18 count for programs authorized by section 306 and de-
19 scribed in section 381E(d)(1) of such Act be transferred
20 and merged with this account and any other prior balances
21 from the Rural Development, Rural Community Advance-
22 ment Program account that the Secretary determines is
23 appropriate to transfer.

1 RURAL BUSINESS–COOPERATIVE SERVICE
2 RURAL BUSINESS PROGRAM ACCOUNT
3 (INCLUDING TRANSFERS OF FUNDS)

4 For the cost of loan guarantees and grants, for the
5 rural business development programs authorized by sec-
6 tions 306 and 310B and described in sections 310B(f) and
7 381E(d)(3) of the Consolidated Farm and Rural Develop-
8 ment Act, \$86,689,000, to remain available until ex-
9 pended: *Provided*, That of the amount appropriated under
10 this heading, not to exceed \$500,000 shall be made avail-
11 able for a grant to a qualified national organization to pro-
12 vide technical assistance for rural transportation in order
13 to promote economic development and \$2,979,000 shall be
14 for grants to the Delta Regional Authority (7 U.S.C.
15 2009aa et seq.) for any Rural Community Advancement
16 Program purpose as described in section 381E(d) of the
17 Consolidated Farm and Rural Development Act, of which
18 not more than 5 percent may be used for administrative
19 expenses: *Provided further*, That \$4,000,000 of the
20 amount appropriated under this heading shall be for busi-
21 ness grants to benefit Federally Recognized Native Amer-
22 ican Tribes, including \$250,000 for a grant to a qualified
23 national organization to provide technical assistance for
24 rural transportation in order to promote economic develop-
25 ment: *Provided further*, That of the amount appropriated

1 under this heading, the amount equal to the amount of
2 Rural Business Program Account funds allocated by the
3 Secretary for Rural Economic Area Partnership Zones for
4 the fiscal year 2010, shall be available through June 30,
5 2011, for communities designated by the Secretary of Ag-
6 riculture as Rural Economic Area Partnership Zones for
7 the rural business and cooperative development programs
8 described in section 381E(d)(3) of the Consolidated Farm
9 and Rural Development Act: *Provided further*, That sec-
10 tions 381E–H and 381N of the Consolidated Farm and
11 Rural Development Act are not applicable to funds made
12 available under this heading: *Provided further*, That any
13 prior balances in the Rural Development, Rural Commu-
14 nity Advancement Program account for programs author-
15 ized by sections 306 and 310B and described in sections
16 310B(f) and 381E(d)(3) of such Act be transferred and
17 merged with this account and any other prior balances
18 from the Rural Development, Rural Community Advance-
19 ment Program account that the Secretary determines is
20 appropriate to transfer.

21 RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

22 For the principal amount of direct loans, as author-
23 ized by the Rural Development Loan Fund (42 U.S.C.
24 9812(a)), \$33,533,000.

1 For the cost of direct loans, \$12,937,000, as author-
2 ized by the Rural Development Loan Fund (42 U.S.C.
3 9812(a)), of which \$1,582,000 shall be available through
4 June 30, 2011, for Federally Recognized Native American
5 Tribes and of which \$3,164,000 shall be available through
6 June 30, 2011, for Mississippi Delta Region counties (as
7 determined in accordance with Public Law 100–460): *Pro-*
8 *vided*, That such costs, including the cost of modifying
9 such loans, shall be as defined in section 502 of the Con-
10 gressional Budget Act of 1974: *Provided further*, That of
11 the total amount appropriated under this heading, the
12 amount equal to the amount of Rural Development Loan
13 Fund Program Account funds allocated by the Secretary
14 for Rural Economic Area Partnership Zones for the fiscal
15 year 2010, shall be available through June 30, 2011, for
16 communities designated by the Secretary of Agriculture
17 as Rural Economic Area Partnership Zones.

18 In addition, for administrative expenses to carry out
19 the direct loan programs, \$5,087,000 shall be paid to the
20 appropriation for “Rural Development, Salaries and Ex-
21 penses”.

1 RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM
2 ACCOUNT
3 (INCLUDING RESCISSION OF FUNDS)

4 For the principal amount of direct loans, as author-
5 ized under section 313 of the Rural Electrification Act,
6 for the purpose of promoting rural economic development
7 and job creation projects, \$33,077,000.

8 Of the funds derived from interest on the cushion of
9 credit payments, as authorized by section 313 of the Rural
10 Electrification Act of 1936, \$184,000,000 shall not be ob-
11 ligated and \$184,000,000 are rescinded.

12 RURAL COOPERATIVE DEVELOPMENT GRANTS

13 For rural cooperative development grants authorized
14 under section 310B(e) of the Consolidated Farm and
15 Rural Development Act (7 U.S.C. 1932), \$35,554,000, of
16 which \$2,800,000 shall be for cooperative agreements for
17 the appropriate technology transfer for rural areas pro-
18 gram: *Provided*, That not to exceed \$3,463,000 shall be
19 for grants for cooperative development centers, individual
20 cooperatives, or groups of cooperatives that serve socially
21 disadvantaged groups and a majority of the boards of di-
22 rectors or governing boards of which are comprised of in-
23 dividuals who are members of socially disadvantaged
24 groups; and of which \$20,367,000, to remain available
25 until expended, shall be for value-added agricultural prod-

1 uct market development grants, as authorized by section
2 231 of the Agricultural Risk Protection Act of 2000 (7
3 U.S.C. 1621 note).

4 RURAL UTILITIES SERVICE

5 RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT
6 (INCLUDING TRANSFERS OF FUNDS)

7 For the cost of direct loans, loan guarantees, and
8 grants for the rural water, waste water, waste disposal,
9 and solid waste management programs authorized by sec-
10 tions 306, 306A, 306C, 306D, 306E, and 310B and de-
11 scribed in sections 306C(a)(2), 306D, 306E, and
12 381E(d)(2) of the Consolidated Farm and Rural Develop-
13 ment Act, \$582,851,000, to remain available until ex-
14 pended, of which not to exceed \$497,000 shall be available
15 for the rural utilities program described in section
16 306(a)(2)(B) of such Act, and of which not to exceed
17 \$993,000 shall be available for the rural utilities program
18 described in section 306E of such Act: *Provided*, That
19 \$3,432,000 of the amounts appropriated under this head-
20 ing shall be for loans authorized under 16 U.S.C. 1006a,
21 for projects whose features include agricultural water sup-
22 ply benefits, groundwater protection, environmental en-
23 hancement and flood control, except for the limitations
24 contained in the last sentence of such authority and such
25 loans shall be made by the Rural Utilities Service: *Pro-*

1 *vided further*, That \$70,000,000 of the amount appro-
2 priated under this heading shall be for loans and grants
3 including water and waste disposal systems grants author-
4 ized by 306C(a)(2)(B) and 306D of the Consolidated
5 Farm and Rural Development Act, Federally recognized
6 Native American Tribes authorized by 306C(a)(1), and
7 the Department of Hawaiian Home Lands (of the State
8 of Hawaii): *Provided further*, That funding provided for
9 section 306D of the Consolidated Farm and Rural Devel-
10 opment Act may be provided to a consortium formed pur-
11 suant to section 325 of Public Law 105–83: *Provided fur-*
12 *ther*, That not more than 2 percent of the funding pro-
13 vided for section 306D of the Consolidated Farm and
14 Rural Development Act may be used by the State of Alas-
15 ka for training and technical assistance programs and not
16 more than 2 percent of the funding provided for section
17 306D of the Consolidated Farm and Rural Development
18 Act may be used by a consortium formed pursuant to sec-
19 tion 325 of Public Law 105–83 for training and technical
20 assistance programs: *Provided further*, That not to exceed
21 \$19,500,000 of the amount appropriated under this head-
22 ing shall be for technical assistance grants for rural water
23 and waste systems pursuant to section 306(a)(14) of such
24 Act, unless the Secretary makes a determination of ex-
25 treme need, of which \$6,000,000 shall be made available

1 for a grant to a qualified non-profit multi-state regional
2 technical assistance organization, with experience in work-
3 ing with small communities on water and waste water
4 problems, the principal purpose of such grant shall be to
5 assist rural communities with populations of 3,300 or less,
6 in improving the planning, financing, development, oper-
7 ation, and management of water and waste water systems,
8 and of which not less than \$800,000 shall be for a quali-
9 fied national Native American organization to provide
10 technical assistance for rural water systems for tribal com-
11 munities: *Provided further,* That not to exceed
12 \$15,000,000 of the amount appropriated under this head-
13 ing shall be for contracting with qualified national organi-
14 zations for a circuit rider program to provide technical as-
15 sistance for rural water systems: *Provided further,* That
16 of the amount appropriated under this heading, the
17 amount equal to the amount of Rural Water and Waste
18 Disposal Program Account funds allocated by the Sec-
19 retary for Rural Economic Area Partnership Zones for the
20 fiscal year 2010, shall be available through June 30, 2011,
21 for communities designated by the Secretary of Agri-
22 culture as Rural Economic Area Partnership Zones for the
23 rural utilities programs described in section 381E(d)(2)
24 of the Consolidated Farm and Rural Development Act:
25 *Provided further,* That \$17,500,000 of the amount appro-

1 priated under this heading shall be transferred to, and
 2 merged with, the Rural Utilities Service, High Energy
 3 Cost Grants Account to provide grants authorized under
 4 section 19 of the Rural Electrification Act of 1936 (7
 5 U.S.C. 918a): *Provided further*, That any prior year bal-
 6 ances for high cost energy grants authorized by section
 7 19 of the Rural Electrification Act of 1936 (7 U.S.C.
 8 918a) shall be transferred to and merged with the Rural
 9 Utilities Service, High Energy Costs Grants Account: *Pro-*
 10 *vided further*, That sections 381E–H and 381N of the
 11 Consolidated Farm and Rural Development Act are not
 12 applicable to the funds made available under this heading:
 13 *Provided further*, That any prior balances in the Rural De-
 14 velopment, Rural Community Advancement Program ac-
 15 count programs authorized by sections 306, 306A, 306C,
 16 306D, 306E, and 310B and described in sections
 17 306C(a)(2), 306D, 306E, and 381E(d)(2) of such Act be
 18 transferred to and merged with this account and any other
 19 prior balances from the Rural Development, Rural Com-
 20 munity Advancement Program account that the Secretary
 21 determines is appropriate to transfer.

22 RURAL ELECTRIFICATION AND TELECOMMUNICATIONS
 23 LOANS PROGRAM ACCOUNT

24 The principal amount of direct and guaranteed loans
 25 as authorized by sections 305 and 306 of the Rural Elec-

1 trification Act of 1936 (7 U.S.C. 935 and 936) shall be
2 made as follows: 5 percent rural electrification loans,
3 \$100,000,000; loans made pursuant to section 306 of that
4 Act, rural electric, \$6,500,000,000; guaranteed under-
5 writing loans pursuant to section 313A, \$500,000,000; 5
6 percent rural telecommunications loans, \$145,000,000;
7 cost of money rural telecommunications loans,
8 \$250,000,000; and for loans made pursuant to section 306
9 of that Act, rural telecommunications loans,
10 \$295,000,000.

11 For the cost of guaranteed loans, including the cost
12 of modifying loans, as defined in section 502 of the Con-
13 gressional Budget Act of 1974, as follows: \$700,000 for
14 guaranteed underwriting loans authorized by section 313A
15 of the Rural Electrification Act of 1936 (7 U.S.C. 940c-
16 1).

17 In addition, for administrative expenses necessary to
18 carry out the direct and guaranteed loan programs,
19 \$38,709,000, which shall be paid to the appropriation for
20 “Rural Development, Salaries and Expenses”.

21 DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND
22 PROGRAM

23 For the principal amount of broadband telecommuni-
24 cation loans, \$400,000,000.

1 For grants for telemedicine and distance learning
2 services in rural areas, as authorized by 7 U.S.C. 950aaa
3 et seq., \$37,755,000, to remain available until expended:
4 *Provided*, That \$3,000,000 shall be made available for
5 grants authorized by 379G of the Consolidated Farm and
6 Rural Development Act: *Provided further*, That
7 \$4,500,000 shall be made available to those noncommer-
8 cial educational television broadcast stations that serve
9 rural areas and are qualified for Community Service
10 Grants by the Corporation for Public Broadcasting under
11 section 396(k) of the Communications Act of 1934, includ-
12 ing associated translators and repeaters, regardless of the
13 location of their main transmitter, studio-to-transmitter
14 links, and equipment to allow local control over digital con-
15 tent and programming through the use of high-definition
16 broadcast, multi-casting and datacasting technologies.

17 For the cost of broadband loans, as authorized by
18 section 601 of the Rural Electrification Act, \$22,320,000,
19 to remain available until expended: *Provided*, That the
20 cost of direct loans shall be as defined in section 502 of
21 the Congressional Budget Act of 1974.

22 In addition, \$17,976,000, to remain available until
23 expended, for a grant program to finance broadband
24 transmission in rural areas eligible for Distance Learning

1 and Telemedicine Program benefits authorized by 7
2 U.S.C. 950aaa.

3 TITLE IV

4 DOMESTIC FOOD PROGRAMS

5 OFFICE OF THE UNDER SECRETARY FOR FOOD,
6 NUTRITION AND CONSUMER SERVICES

7 For necessary expenses of the Office of the Under
8 Secretary for Food, Nutrition and Consumer Services,
9 \$821,000.

10 FOOD AND NUTRITION SERVICE

11 CHILD NUTRITION PROGRAMS

12 For necessary expenses to carry out the Richard B.
13 Russell National School Lunch Act (42 U.S.C. 1751 et
14 seq.), except section 21, and the Child Nutrition Act of
15 1966 (42 U.S.C. 1771 et seq.), except sections 17 and
16 21; \$17,319,981,000, to remain available through Sep-
17 tember 30, 2012, of which such sums as are made avail-
18 able under section 14222(b)(1) of the Food, Conservation,
19 and Energy Act of 2008 (Public Law 110–246), as
20 amended by this Act, shall be merged with and available
21 for the same time period and purposes as provided herein:
22 *Provided*, That of the total amount available, \$7,500,000
23 shall be available to be awarded as competitive grants to
24 implement section 4405 of the Food, Conservation, and
25 Energy Act of 2008 (Public Law 110–246), and may be

1 awarded notwithstanding the limitations imposed by sec-
2 tions 4405(b)(1)(A) and 4405(e)(1)(A): *Provided further*,
3 That section 14222(b)(1) of the Food, Conservation, and
4 Energy Act of 2008 is amended by adding at the end be-
5 fore the period, “except section 21, and the Child Nutri-
6 tion Act of 1966 (42 U.S.C. 1771 et seq.), except sections
7 17 and 21”.

8 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR
9 WOMEN, INFANTS, AND CHILDREN (WIC)

10 For necessary expenses to carry out the special sup-
11 plemental nutrition program as authorized by section 17
12 of the Child Nutrition Act of 1966 (42 U.S.C. 1786),
13 \$6,852,522,000, to remain available through September
14 30, 2012: *Provided*, That notwithstanding section
15 17(g)(5) of the Child Nutrition Act of 1966 (42 U.S.C.
16 1786(g)(5)), up to \$15,000,000 of funds provided in this
17 Act may be used for the purpose of evaluating program
18 performance in the Special Supplemental Nutrition Pro-
19 gram for Women, Infants and Children: *Provided further*,
20 That of the amounts made available under this heading,
21 up to \$14,000,000 shall be used for infrastructure, up to
22 \$35,000,000 shall be used for management information
23 systems, and up to \$80,000,000 shall be used for
24 breastfeeding peer counselors and other related activities:
25 *Provided further*, That none of the funds provided in this

1 account shall be available for the purchase of infant for-
2 mula except in accordance with the cost containment and
3 competitive bidding requirements specified in section 17
4 of such Act: *Provided further*, That none of the funds pro-
5 vided shall be available for activities that are not fully re-
6 imbursed by other Federal Government departments or
7 agencies unless authorized by section 17 of such Act

8 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

9 For necessary expenses to carry out the Food and
10 Nutrition Act of 2008 (7 U.S.C. 2011 et seq.),
11 \$70,907,818,000, of which \$5,000,000,000, to remain
12 available through September 30, 2012, shall be placed in
13 reserve for use only in such amounts and at such times
14 as may become necessary to carry out program operations:
15 *Provided*, That funds provided herein shall be expended
16 in accordance with section 16 of the Food and Nutrition
17 Act of 2008: *Provided further*, That this appropriation
18 shall be subject to any work registration or workfare re-
19 quirements as may be required by law: *Provided further*,
20 That funds made available for Employment and Training
21 under this heading shall remain available until expended,
22 notwithstanding section 16(h)(1) of the Food and Nutri-
23 tion Act of 2008: *Provided further*, That funds made avail-
24 able under this heading may be used to enter into con-
25 tracts and employ staff to conduct studies, evaluations, or

1 to conduct activities related to program integrity provided
2 that such activities are authorized by the Food and Nutri-
3 tion Act of 2008.

4 COMMODITY ASSISTANCE PROGRAM

5 For necessary expenses to carry out disaster assist-
6 ance and the Commodity Supplemental Food Program as
7 authorized by section 4(a) of the Agriculture and Con-
8 sumer Protection Act of 1973 (7 U.S.C. 612c note); the
9 Emergency Food Assistance Act of 1983; special assist-
10 ance for the nuclear affected islands, as authorized by sec-
11 tion 103(f)(2) of the Compact of Free Association Amend-
12 ments Act of 2003 (Public Law 108–188); and the Farm-
13 ers’ Market Nutrition Program, as authorized by section
14 17(m) of the Child Nutrition Act of 1966, \$262,619,000,
15 to remain available through September 30, 2012, of which
16 \$6,000,000 shall be for emergency food program infra-
17 structure grants authorized by section 209 of the Emer-
18 gency Food Assistance Act of 1983: *Provided*, That of the
19 amount provided, \$5,000,000 is to begin service in six ad-
20 ditional States that have plans approved by the Depart-
21 ment for the commodity supplemental food program: *Pro-*
22 *vided further*, That none of these funds shall be available
23 to reimburse the Commodity Credit Corporation for com-
24 modities donated to the program: *Provided further*, That
25 notwithstanding any other provision of law, effective with

1 funds made available in fiscal year 2011 to support the
 2 Seniors Farmers' Market Nutrition Program, as author-
 3 ized by section 4402 of the Farm Security and Rural In-
 4 vestment Act of 2002, such funds shall remain available
 5 through September 30, 2012: *Provided further*, That of
 6 the funds made available under section 27(a) of the Food
 7 and Nutrition Act of 2008 (7 U.S.C. 2036(a)), the Sec-
 8 retary may use up to 10 percent for costs associated with
 9 the distribution of commodities.

10 NUTRITION PROGRAMS ADMINISTRATION

11 For necessary administrative expenses of the Food
 12 and Nutrition Service for carrying out any domestic nutri-
 13 tion assistance program, \$162,587,000: *Provided*, That
 14 \$3,000,000 shall be for section 4404 of Public Law 107-
 15 171, as amended by section 4401 of Public Law 110-246.

16 TITLE V

17 FOREIGN ASSISTANCE AND RELATED

18 PROGRAMS

19 FOREIGN AGRICULTURAL SERVICE

20 SALARIES AND EXPENSES

21 (INCLUDING TRANSFERS OF FUNDS)

22 For necessary expenses of the Foreign Agricultural
 23 Service, including not to exceed \$158,000 for representa-
 24 tion allowances and for expenses pursuant to section 8 of
 25 the Act approved August 3, 1956 (7 U.S.C. 1766),

1 \$219,280,000: *Provided*, That the Service may utilize ad-
2 vances of funds, or reimburse this appropriation for ex-
3 penditures made on behalf of Federal agencies, public and
4 private organizations and institutions under agreements
5 executed pursuant to the agricultural food production as-
6 sistance programs (7 U.S.C. 1737) and the foreign assist-
7 ance programs of the United States Agency for Inter-
8 national Development: *Provided further*, That of the
9 amount appropriated under this heading \$14,600,000 is
10 for stabilization and reconstruction activities to be carried
11 out under the authority provided by title XIV of the Food
12 and Agriculture Act of 1977 (7 U.S.C. 3101 et seq.) and
13 other applicable laws: *Provided further*, That of the
14 amount appropriated under this heading, \$5,000,000 is
15 for the Secretary to provide technical assistance under
16 available authorities for the establishment and growth of
17 sustainable food production and marketing systems in de-
18 veloping countries: *Provided further*, That funds made
19 available for middle-income country training programs
20 and up to \$2,000,000 of the Foreign Agricultural Service
21 appropriation solely for the purpose of offsetting fluctua-
22 tions in international currency exchange rates, subject to
23 documentation by the Foreign Agricultural Service, shall
24 remain available until expended: *Provided further*, That of
25 the total amount appropriated under this heading,

1 \$4,500,000 shall be available for activities under the Tech-
2 nical Assistance for Specialty Crops Program pursuant to
3 section 3205 of the Farm Security and Rural Investment
4 Act of 2002 (Public Law 107–171), as amended.

5 FOOD FOR PEACE TITLE I DIRECT CREDIT AND FOOD
6 FOR PROGRESS PROGRAM ACCOUNT
7 (INCLUDING TRANSFERS OF FUNDS)

8 For administrative expenses to carry out the credit
9 program of title I, Food for Peace Act (Public Law 83–
10 480) and the Food for Progress Act of 1985, \$2,846,000,
11 which shall be paid to the appropriation for “Farm Service
12 Agency, Salaries and Expenses”: *Provided*, That funds
13 made available for the cost of agreements under title I
14 of the Agricultural Trade Development and Assistance Act
15 of 1954 and for title I ocean freight differential may be
16 used interchangeably between the two accounts with prior
17 notice to the Committees on Appropriations of both
18 Houses of Congress.

19 FOOD FOR PEACE TITLE II GRANTS

20 For expenses during the current fiscal year, not oth-
21 erwise recoverable, and unrecovered prior years’ costs, in-
22 cluding interest thereon, under the Food for Peace Act
23 (Public Law 83–480, as amended), for commodities sup-
24 plied in connection with dispositions abroad under title II

1 of said Act, \$1,690,000,000, to remain available until ex-
 2 pended.

3 COMMODITY CREDIT CORPORATION EXPORT LOANS
 4 PROGRAM ACCOUNT
 5 (INCLUDING TRANSFERS OF FUNDS)

6 For administrative expenses to carry out the Com-
 7 modity Credit Corporation's export guarantee program,
 8 GSM 102 and GSM 103, \$6,884,000; to cover common
 9 overhead expenses as permitted by section 11 of the Com-
 10 modity Credit Corporation Charter Act and in conformity
 11 with the Federal Credit Reform Act of 1990, of which
 12 \$6,525,000 shall be paid to the appropriation for "Foreign
 13 Agricultural Service, Salaries and Expenses", and of
 14 which \$359,000 shall be paid to the appropriation for
 15 "Farm Service Agency, Salaries and Expenses".

16 MC?GOVERN-DOLE INTERNATIONAL FOOD FOR
 17 EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

18 For necessary expenses to carry out the provisions
 19 of section 3107 of the Farm Security and Rural Invest-
 20 ment Act of 2002 (7 U.S.C. 1736o-1), \$219,500,000, to
 21 remain available until expended: *Provided*, That the Com-
 22 modity Credit Corporation is authorized to provide the
 23 services, facilities, and authorities for the purpose of im-
 24 plementing such section, subject to reimbursement from
 25 amounts provided herein: *Provided further*, That up to

1 \$1,000,000 is made available for the purposes of section
2 3107 of Public Law 107–171, as amended by Public Law
3 111–203, and shall be available for activities under section
4 (b)(1) and (b)(2) of the Act.

5 TITLE VI
6 FOOD AND DRUG ADMINISTRATION AND FARM
7 CREDIT ADMINISTRATION
8 DEPARTMENT OF HEALTH AND HUMAN
9 SERVICES
10 FOOD AND DRUG ADMINISTRATION
11 SALARIES AND EXPENSES

12 For necessary expenses of the Food and Drug Ad-
13 ministration, including hire and purchase of passenger
14 motor vehicles; for payment of space rental and related
15 costs pursuant to Public Law 92–313 for programs and
16 activities of the Food and Drug Administration which are
17 included in this Act; for rental of special purpose space
18 in the District of Columbia or elsewhere; for miscellaneous
19 and emergency expenses of enforcement activities, author-
20 ized and approved by the Secretary and to be accounted
21 for solely on the Secretary’s certificate, not to exceed
22 \$25,000; and notwithstanding section 521 of Public Law
23 107–188; \$3,745,044,000: *Provided*, That of the amount
24 provided under this heading, \$667,057,000 shall be de-
25 rived from prescription drug user fees authorized by 21

1 U.S.C. 379h shall be credited to this account and remain
2 available until expended, and shall not include any fees
3 pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for
4 fiscal year 2012 but collected in fiscal year 2011;
5 \$61,860,000 shall be derived from medical device user fees
6 authorized by 21 U.S.C. 379j, and shall be credited to this
7 account and remain available until expended; \$19,448,000
8 shall be derived from animal drug user fees authorized by
9 21 U.S.C. 379j, and shall be credited to this account and
10 remain available until expended; \$5,397,000 shall be de-
11 rived from animal generic drug user fees authorized by
12 21 U.S.C. 379f, and shall be credited to this account and
13 shall remain available until expended; and \$450,000,000
14 shall be derived from tobacco product user fees authorized
15 by 21 U.S.C. 387s and shall be credited to this account
16 and remain available until expended: *Provided further,*
17 That in addition and notwithstanding any other provision
18 under this heading, amounts collected for prescription
19 drug user fees that exceed the fiscal year 2011 limitation
20 are appropriated and shall be credited to this account and
21 remain available until expended: *Provided further,* That
22 fees derived from prescription drug, medical device, animal
23 drug, animal generic drug, and tobacco product assess-
24 ments for fiscal year 2011 received during fiscal year
25 2011, including any such fees assessed prior to fiscal year

1 2011 but credited for fiscal year 2011, shall be subject
2 to the fiscal year 2011 limitations: *Provided further*, That
3 none of these funds shall be used to develop, establish,
4 or operate any program of user fees authorized by 31
5 U.S.C. 9701: *Provided further*, That of the total amount
6 appropriated: (1) \$869,387,000 shall be for the Center for
7 Food Safety and Applied Nutrition and related field activi-
8 ties in the Office of Regulatory Affairs; (2) \$982,811,000
9 shall be for the Center for Drug Evaluation and Research
10 and related field activities in the Office of Regulatory Af-
11 fairs; (3) \$328,234,000 shall be for the Center for Bio-
12 logics Evaluation and Research and for related field activi-
13 ties in the Office of Regulatory Affairs; (4) \$167,875,000
14 shall be for the Center for Veterinary Medicine and for
15 related field activities in the Office of Regulatory Affairs;
16 (5) \$362,491,000 shall be for the Center for Devices and
17 Radiological Health and for related field activities in the
18 Office of Regulatory Affairs; (6) \$60,975,000 shall be for
19 the National Center for Toxicological Research; (7)
20 \$421,463,000 shall be for the Center for Tobacco Prod-
21 ucts and for related field activities in the Office of Regu-
22 latory Affairs; (8) not to exceed \$141,724,000 shall be for
23 Rent and Related activities, of which \$41,951,000 is for
24 White Oak Consolidation, other than the amounts paid to
25 the General Services Administration for rent; (9) not to

1 exceed \$185,983,000 shall be for payments to the General
2 Services Administration for rent; and (10) \$224,101,000
3 shall be for other activities, including the Office of the
4 Commissioner; the Office of Foods; the Office of the Chief
5 Scientist; the Office of Policy, Planning and Budget; the
6 Office of International Programs; the Office of Adminis-
7 tration; and central services for these offices: *Provided fur-*
8 *ther*, That none of the funds made available under this
9 heading shall be used to transfer funds under section
10 770(n) of the Federal Food, Drug, and Cosmetic Act (21
11 U.S.C. 379dd): *Provided further*, That not to exceed
12 \$25,000 of this amount shall be for official reception and
13 representation expenses, not otherwise provided for, as de-
14 termined by the Commissioner: *Provided further*, That
15 funds may be transferred from one specified activity to
16 another with the prior approval of the Committees on Ap-
17 propriations of both Houses of Congress.

18 In addition, mammography user fees authorized by
19 42 U.S.C. 263b, export certification user fees authorized
20 by 21 U.S.C. 381, and priority review user fees authorized
21 by 21 U.S.C. 360n may be credited to this account, to
22 remain available until expended.

23 BUILDINGS AND FACILITIES

24 For plans, construction, repair, improvement, exten-
25 sion, alteration, and purchase of fixed equipment or facili-

1 ties of or used by the Food and Drug Administration,
 2 where not otherwise provided, \$10,000,000, to remain
 3 available until expended.

4 INDEPENDENT AGENCY

5 FARM CREDIT ADMINISTRATION

6 LIMITATION ON ADMINISTRATIVE EXPENSES

7 Not to exceed \$59,400,000 (from assessments col-
 8 lected from farm credit institutions, including the Federal
 9 Agricultural Mortgage Corporation) shall be obligated
 10 during the current fiscal year for administrative expenses
 11 as authorized under 12 U.S.C. 2249: *Provided*, That this
 12 limitation shall not apply to expenses associated with re-
 13 ceiverships.

14 TITLE VII

15 GENERAL PROVISIONS

16 (INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

17 SEC. 701. Within the unit limit of cost fixed by law,
 18 appropriations and authorizations made for the Depart-
 19 ment of Agriculture for the current fiscal year under this
 20 Act shall be available for the purchase, in addition to those
 21 specifically provided for, of not to exceed 204 passenger
 22 motor vehicles, of which 170 shall be for replacement only,
 23 and for the hire of such vehicles.

24 SEC. 702. The Secretary of Agriculture may transfer
 25 unobligated balances of discretionary funds appropriated

1 by this Act or other available unobligated discretionary
2 balances of the Department of Agriculture to the Working
3 Capital Fund for the acquisition of plant and capital
4 equipment necessary for the delivery of financial, adminis-
5 trative, and information technology services of primary
6 benefit to the agencies of the Department of Agriculture:
7 *Provided*, That none of the funds made available by this
8 Act or any other Act shall be transferred to the Working
9 Capital Fund without the prior approval of the agency ad-
10 ministrator: *Provided further*, That none of the funds
11 transferred to the Working Capital Fund pursuant to this
12 section shall be available for obligation without written no-
13 tification to and the prior approval of the Committees on
14 Appropriations of both Houses of Congress: *Provided fur-*
15 *ther*, That none of the funds appropriated by this Act or
16 made available to the Department's Working Capital
17 Fund shall be available for obligation or expenditure to
18 make any changes to the Department's National Finance
19 Center without written notification to and prior approval
20 of the Committees on Appropriations of both Houses of
21 Congress as required by section 711 of this Act: *Provided*
22 *further*, That of annual income amounts in the Working
23 Capital Fund of the Department of Agriculture allocated
24 for the National Finance Center, the Secretary may re-
25 serve not more than 4 percent for the replacement or ac-

1 acquisition of capital equipment, including equipment for the
2 improvement and implementation of a financial manage-
3 ment plan, information technology, and other systems of
4 the National Finance Center or to pay any unforeseen,
5 extraordinary cost of the National Finance Center: *Pro-*
6 *vided further*, That none of the amounts reserved shall be
7 available for obligation unless the Secretary submits writ-
8 ten notification of the obligation to the Committees on Ap-
9 propriations of the House of Representatives and the Sen-
10 ate: *Provided further*, That the limitation on the obligation
11 of funds pending notification to Congressional Committees
12 shall not apply to any obligation that, as determined by
13 the Secretary, is necessary to respond to a declared state
14 of emergency that significantly impacts the operations of
15 the National Finance Center; or to evacuate employees of
16 the National Finance Center to a safe haven to continue
17 operations of the National Finance Center.

18 SEC. 703. No part of any appropriation contained in
19 this Act shall remain available for obligation beyond the
20 current fiscal year unless expressly so provided herein.

21 SEC. 704. No funds appropriated by this Act may be
22 used to pay negotiated indirect cost rates on cooperative
23 agreements or similar arrangements between the United
24 States Department of Agriculture and nonprofit institu-
25 tions in excess of 10 percent of the total direct cost of

1 the agreement when the purpose of such cooperative ar-
2 rangements is to carry out programs of mutual interest
3 between the two parties. This does not preclude appro-
4 priate payment of indirect costs on grants and contracts
5 with such institutions when such indirect costs are com-
6 puted on a similar basis for all agencies for which appro-
7 priations are provided in this Act.

8 SEC. 705. Appropriations to the Department of Agri-
9 culture for the cost of direct and guaranteed loans made
10 available in the current fiscal year shall remain available
11 until expended to disburse obligations made in the current
12 fiscal year for the following accounts: the Rural Develop-
13 ment Loan Fund program account, the Rural Electrifica-
14 tion and Telecommunication Loans program account, and
15 the Rural Housing Insurance Fund program account.

16 SEC. 706. Of the funds made available by this Act,
17 not more than \$1,800,000 shall be used to cover necessary
18 expenses of activities related to all advisory committees,
19 panels, commissions, and task forces of the Department
20 of Agriculture, except for panels used to comply with nego-
21 tiated rule makings and panels used to evaluate competi-
22 tively awarded grants.

23 SEC. 707. None of the funds appropriated by this Act
24 may be used to carry out section 410 of the Federal Meat

1 Inspection Act (21 U.S.C. 679a) or section 30 of the Poul-
2 try Products Inspection Act (21 U.S.C. 471).

3 SEC. 708. No employee of the Department of Agri-
4 culture may be detailed or assigned from an agency or
5 office funded by this Act or any other Act to any other
6 agency or office of the Department for more than 30 days
7 unless the individual's employing agency or office is fully
8 reimbursed by the receiving agency or office for the salary
9 and expenses of the employee for the period of assignment.

10 SEC. 709. None of the funds appropriated or other-
11 wise made available to the Department of Agriculture or
12 the Food and Drug Administration shall be used to trans-
13 mit or otherwise make available to any non-Department
14 of Agriculture or non-Department of Health and Human
15 Services employee questions or responses to questions that
16 are a result of information requested for the appropria-
17 tions hearing process.

18 SEC. 710. None of the funds made available to the
19 Department of Agriculture by this Act may be used to ac-
20 quire new information technology systems or significant
21 upgrades, as determined by the Office of the Chief Infor-
22 mation Officer, without the approval of the Chief Informa-
23 tion Officer and the concurrence of the Executive Informa-
24 tion Technology Investment Review Board: *Provided*, That
25 notwithstanding any other provision of law, none of the

1 funds appropriated or otherwise made available by this
2 Act may be transferred to the Office of the Chief Informa-
3 tion Officer without written notification to and the prior
4 approval of the Committees on Appropriations of both
5 Houses of Congress: *Provided further*, That none of the
6 funds available to the Department of Agriculture for infor-
7 mation technology shall be obligated for projects over
8 \$25,000 prior to receipt of written approval by the Chief
9 Information Officer.

10 SEC. 711. (a) None of the funds provided by this Act,
11 or provided by previous Appropriations Acts to the agen-
12 cies funded by this Act that remain available for obligation
13 or expenditure in the current fiscal year, or provided from
14 any accounts in the Treasury of the United States derived
15 by the collection of fees available to the agencies funded
16 by this Act, shall be available for obligation or expenditure
17 through a reprogramming or transfer of funds, or in the
18 case of the Department of Agriculture, through use of the
19 authority provided by section 702(b) of the Department
20 of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or
21 section 8 of Public Law 89–106 (7 U.S.C. 2263), that—

22 (1) creates new programs;

23 (2) eliminates a program, project, or activity;

1 (3) increases funds or personnel by any means
2 for any project or activity for which funds have been
3 denied or restricted;

4 (4) relocates an office or employees;

5 (5) reorganizes offices, programs, or activities;

6 or

7 (6) contracts out or privatizes any functions or
8 activities presently performed by Federal employees;
9 unless the Secretary of Agriculture and the Secretary of
10 Health and Human Services, notifies, in writing, the Com-
11 mittees on Appropriations of both Houses of Congress at
12 least 30 days in advance of the reprogramming of such
13 funds or the use of such authority.

14

15 (b) None of the funds provided by this Act, or pro-
16 vided by previous Appropriations Acts to the agencies
17 funded by this Act that remain available for obligation or
18 expenditure in the current fiscal year, or provided from
19 any accounts in the Treasury of the United States derived
20 by the collection of fees available to the agencies funded
21 by this Act, shall be available for obligation or expenditure
22 for activities, programs, or projects through a reprogram-
23 ming or use of the authorities referred to in subsection
24 (a) involving funds in excess of \$500,000 or 10 percent,
25 whichever is less, that:

1 (1) augments existing programs, projects, or ac-
2 tivities;

3 (2) reduces by 10 percent funding for any exist-
4 ing program, project, or activity, or numbers of per-
5 sonnel by 10 percent as approved by Congress; or

6 (3) results from any general savings from a re-
7 duction in personnel which would result in a change
8 in existing programs, activities, or projects as ap-
9 proved by Congress;

10 unless the Secretary of Agriculture and the Secretary of
11 Health and Human Services, notifies, in writing, the Com-
12 mittees on Appropriations of both Houses of Congress at
13 least 30 days in advance of the reprogramming of such
14 funds or the use of such authority.

15 (c) The Secretary of Agriculture and the Secretary
16 of Health and Human Services, shall notify in writing the
17 Committees on Appropriations of both Houses of Congress
18 before implementing a program or activity not carried out
19 during the previous fiscal year unless the program or ac-
20 tivity is funded by this Act or specifically funded by any
21 other Act.

22 SEC. 712. None of the funds appropriated by this or
23 any other Act shall be used to pay the salaries and ex-
24 penses of personnel who prepare or submit appropriations
25 language as part of the President's Budget submission to

1 the Congress of the United States for programs under the
2 jurisdiction of the Appropriations Subcommittees on Agri-
3 culture, Rural Development, Food and Drug Administra-
4 tion, and Related Agencies that assumes revenues or re-
5 flects a reduction from the previous year due to user fees
6 proposals that have not been enacted into law prior to the
7 submission of the Budget unless such Budget submission
8 identifies which additional spending reductions should
9 occur in the event the user fees proposals are not enacted
10 prior to the date of the convening of a committee of con-
11 ference for the fiscal year 2012 appropriations Act.

12 SEC. 713. None of the funds made available by this
13 or any other Act may be used to close or relocate a Rural
14 Development office unless or until the Secretary of Agri-
15 culture determines the cost effectiveness and/or enhance-
16 ment of program delivery: *Provided*, That not later than
17 120 days before the date of the proposed closure or reloca-
18 tion, the Secretary notifies in writing the Committees on
19 Appropriation of the House and Senate, and the members
20 of Congress from the State in which the office is located
21 of the proposed closure or relocation and provides a report
22 that describes the justifications for such closures and relo-
23 cations.

24 SEC. 714. None of the funds made available in fiscal
25 year 2010 or preceding fiscal years for programs author-

1 ized under the Food for Peace Act (7 U.S.C. 1691 et seq.)
2 in excess of \$20,000,000 shall be used to reimburse the
3 Commodity Credit Corporation for the release of eligible
4 commodities under section 302(f)(2)(A) of the Bill Emer-
5 son Humanitarian Trust Act (7 U.S.C. 1736f-1): *Pro-*
6 *vided*, That any such funds made available to reimburse
7 the Commodity Credit Corporation shall only be used pur-
8 suant to section 302(b)(2)(B)(i) of the Bill Emerson Hu-
9 manitarian Trust Act.

10 SEC. 715. None of the funds made available to the
11 Food and Drug Administration by this Act shall be used
12 to close or relocate, or to plan to close or relocate, the
13 Food and Drug Administration Division of Pharma-
14 ceutical Analysis in St. Louis, Missouri, outside the city
15 or county limits of St. Louis, Missouri.

16 SEC. 716. Funds made available under section 1240I
17 and section 1241(a) of the Food Security Act of 1985 and
18 section 524(b) of the Federal Crop Insurance Act (7
19 U.S.C. 1524(b)) in the current fiscal year shall remain
20 available until expended to disburse obligations made in
21 the current fiscal year.

22 SEC. 717. Unless otherwise authorized by existing
23 law, none of the funds provided in this Act, may be used
24 by an executive branch agency to produce any pre-
25 packaged news story intended for broadcast or distribution

1 in the United States unless the story includes a clear noti-
2 fication within the text or audio of the prepackaged news
3 story that the prepackaged news story was prepared or
4 funded by that executive branch agency.

5 SEC. 718. There is hereby appropriated \$5,000,000,
6 to remain available until expended, for a grant to the Na-
7 tional Center for Natural Products Research for construc-
8 tion or renovation to carry out the research objectives of
9 the natural products research grant issued by the Food
10 and Drug Administration.

11 SEC. 719. None of the funds appropriated or other-
12 wise made available by this or any other Act shall be used
13 to pay the salaries and expenses of personnel to carry out
14 in fiscal year 2011 the following:

15 (1) An Environmental Quality Incentives Pro-
16 gram as authorized by sections 1240–1240 H of the
17 Food Security of 1985, as amended (16 U.S.C.
18 3839aa–3839aa(8)), in excess of \$1,311,548,000.

19 (2) A program authorized by section 14(h)(1)
20 of the Watershed Protection and Flood Prevention
21 Act (16 U.S.C. 1012(h)(1)).

22 (3) A program under subsection (b)(2)(A)(iii)
23 of section 14222 of Public Law 110–246 in excess
24 of \$1,052,000,000: *Provided*, That none of the funds
25 made available in this Act or any other Act shall be

1 used for salaries and expenses to carry out section
2 19(i)(1)(D) of the Richard B. Russell National
3 School Lunch Act as amended by section 4304 of
4 Public Law 110–246 in excess of \$37,000,000, in-
5 cluding the transfer of funds under subsection (c) of
6 section 14222 of Public Law 110–246, until October
7 1, 2011: *Provided further*, That \$113,000,000 made
8 available on October 1, 2011, to carry out section
9 19(i)(1)(D) of the Richard B. Russell National
10 School Lunch Act as amended by section 4304 of
11 Public Law 110–246 shall be excluded from the limi-
12 tation described in subsection (b)(2)(A)(iv) of sec-
13 tion 14222 of Public Law 110–246.

14 (4) A Wetlands Reserve Program as authorized
15 by sections 1237–1237F of the Food Security Act of
16 1985, as amended (16 U.S.C. 3837), to enroll in ex-
17 cess of 247,500 acres.

18 SEC. 720. Notwithstanding any other provision of
19 law, any former RUS borrower that has repaid or prepaid
20 an insured, direct or guaranteed loan under the Rural
21 Electrification Act, or any not-for-profit utility that is eli-
22 gible to receive an insured or direct loan under such Act,
23 shall be eligible for assistance under section 313(b)(2)(B)
24 of such Act in the same manner as a borrower under such
25 Act.

1 SEC. 721. None of the funds made available to the
2 Department of Agriculture in this Act may be used to im-
3 plement the risk-based inspection program in the 30 pro-
4 totype locations announced on February 22, 2007, by the
5 Under Secretary for Food Safety, or at any other loca-
6 tions, until the USDA Office of Inspector General has pro-
7 vided its findings to the Food Safety and Inspection Serv-
8 ice and the Committees on Appropriations of the House
9 of Representatives and the Senate on the data used in sup-
10 port of the development and design of the risk-based in-
11 spection program and FSIS has addressed and resolved
12 issues identified by OIG.

13 SEC. 722. Notwithstanding any other provision of
14 law, the Secretary of Agriculture—

15 (1) shall consider—

16 (A) the town of Alden, NY, the town of
17 Fallsburg, NY, and the town of Moreau, NY, to
18 be rural areas for the purposes of eligibility for
19 Rural Utilities Service water and waste disposal
20 loans and grants;

21 (B) the town of Brattleboro, VT, (includ-
22 ing individuals and entities with projects within
23 the town) eligible for loans and grants funded
24 through the Rural Utilities Service water and
25 waste disposal program;

1 (C) the cities of Greenwood, SC, and
2 Paragould, AR, (including individuals and enti-
3 ties with projects within the cities) eligible for
4 loans and grants funded through the Rural
5 Community Facilities Program Account;

6 (D) the area of South Apopka, FL, and
7 the unincorporated community of Oceano, CA
8 (including individuals and entities with projects
9 within the community), eligible for loans and
10 grants funded under the housing programs of
11 the Rural Housing Service;

12 (E) the city of Wilkes-Barre, PA, the city
13 of Pittston, PA, the city of Nanticoke, PA, the
14 township of Pittston, PA, and the township of
15 Hanover, PA (including individuals and entities
16 with projects within the city) eligible for loans
17 and grants funded through the Rural Business
18 Program Account; and

19 (F) the area of Dededo, Guam, and the
20 area of Yigo, Guam (including individuals and
21 entities with projects within the city), eligible
22 for loans and grants funded through the Rural
23 Development mission area; and

24 (2) may fund Rural Community Facility Pro-
25 gram projects of the Rural Housing Service and

1 Water and Waste Disposal Program projects of the
2 Rural Utilities Service for communities and munic-
3 ipal districts and areas in New York that filed appli-
4 cations for such projects with the appropriate Rural
5 Development field office of the Department of Agri-
6 culture prior to January 1, 2010, and that such
7 projects were determined by the field office to be eli-
8 gible for funding.

9 SEC. 723. There is hereby appropriated \$2,600,000,
10 to remain available until expended, for the construction
11 and interim operations for establishment of an agricul-
12 tural pest facility in the State of Hawaii.

13 SEC. 724. Notwithstanding any other provision of
14 law, the Natural Resources Conservation Service shall pro-
15 vide financial and technical assistance through the Water-
16 shed and Flood Prevention Operations program to carry
17 out—

18 (1) the Alameda Creek Watershed Project in
19 Alameda County, California;

20 (2) the Pidcock-Mill Creeks Watershed project
21 in Bucks County, Pennsylvania;

22 (3) the Gin Bayou Bank Stabilization in Mis-
23 sissippi;

24 (4) the North Drainage Projects in Mississippi;

1 (5) the Copper Mine Brook Watershed project
2 in the State of Connecticut;

3 (6) the East Locust Creek Watershed Plan Re-
4 vision in Missouri, including up to 100 percent of
5 the engineering assistance and 75 percent cost share
6 for construction cost of site RW1;

7 (7) the Little Otter Creek Watershed project in
8 Missouri. The sponsoring local organization may ob-
9 tain land rights by perpetual easements;

10 (8) the Lake County Watershed in the State of
11 Illinois;

12 (9) the Dunloup Creek Watershed project in
13 Fayette and Raleigh Counties, West Virginia;

14 (10) the North Fork of Elkhorn Creek Water-
15 shed project in the State of West Virginia;

16 (11) the Pocasset River Floodplain Manage-
17 ment project in the State of Rhode Island; and

18 (12) the Southeast Quadrant Drainage and
19 Flood Prevention project in the State of Alabama.

20 SEC. 725. Notwithstanding any other provision of
21 law, for the purposes of a grant under section 412 of the
22 Agricultural Research, Extension, and Education Reform
23 Act of 1998, none of the funds in this or any other Act
24 may be used to prohibit the provision of in-kind support
25 from non-Federal sources under section 412(e)(3) in the

1 form of unrecovered indirect costs not otherwise charged
2 against the grant, consistent with the indirect rate of cost
3 approved for a recipient.

4 SEC. 726. Notwithstanding any other provision of
5 law, there is hereby appropriated:

6 (1) \$3,000,000 of which \$2,000,000 shall be for
7 a grant to the Wisconsin Department of Agriculture,
8 Trade, and Consumer Protection, and \$1,000,000
9 shall be for a grant to the Vermont Agency of Agri-
10 culture, Foods, and Markets, as authorized by sec-
11 tion 6402 of the Farm Security and Rural Invest-
12 ment Act of 2002 (7 U.S.C. 1621 note);

13 (2) \$350,000 for a grant to the Wisconsin De-
14 partment of Agriculture, Trade and Consumer Pro-
15 tection; and

16 (3) \$250,000 for the Tioga County, NY, Rural
17 Economic Area Partnership.

18 SEC. 727. The Secretary of Agriculture may author-
19 ize a State agency to use funds provided in this Act to
20 exceed the maximum amount of liquid infant formula
21 specified in 7 C.F.R. 246.10 when issuing liquid infant
22 formula to participants.

23 SEC. 728. Of the unobligated balances provided pur-
24 suant to section 16(h)(1)(A) of the Food and Nutrition
25 Act of 2008, \$15,000,000 is hereby rescinded.

1 SEC. 729. (a) None of the funds made available by
2 this Act may be used to promulgate or implement a poul-
3 try products inspection rule allowing processed poultry or
4 processed poultry products to be imported into the United
5 States from the People’s Republic of China unless the Sec-
6 retary of Agriculture formally notifies Congress that the
7 Department will—

8 (1) not provide any preferential consideration to any
9 application by the People’s Republic of China for author-
10 ization to export poultry or poultry products to the United
11 States;

12 (2) conduct audits of inspection systems and on-site
13 reviews of slaughter and processing facilities, laboratories
14 and other control operations before any Chinese facilities
15 are certified as eligible to ship poultry or poultry products
16 to the United States and, in subsequent years, to conduct
17 such audits and reviews at least once annually or more
18 frequently as the Secretary determines necessary;

19 (3) implement a significantly increased level of port
20 of entry re-inspection;

21 (4) establish and conduct a formal and expeditious
22 information sharing program with other countries import-
23 ing processed poultry or processed poultry products from
24 China that have conducted audits and plant inspections;

1 (5) report to the House and Senate Committees on
2 Appropriations within 60 days of the date of enactment
3 of this Act, and every 90 days thereafter for an indefinite
4 period, with respect to the promulgation or implementa-
5 tion of any poultry products inspection rule authorizing
6 the People’s Republic of China to export poultry or poultry
7 products to the United States, including—

8 (A) actions taken or to be taken by the Sec-
9 retary, including new audits and on-site reviews, to
10 implement any poultry products inspection rule au-
11 thorizing the People’s Republic of China to export
12 processed poultry or processed poultry products to
13 the United States;

14 (B) actions taken or to be taken by the Sec-
15 retary, including new audits and on-site reviews, to
16 determine whether the poultry inspection system of
17 the People’s Republic of China achieves a level of
18 sanitary protection equivalent to that achieved under
19 United States standards;

20 (C) actions taken or to be taken by the Sec-
21 retary to determine whether the administration and
22 enforcement of the poultry and poultry products in-
23 spection system of the People’s Republic of China
24 ensures that it achieves a level of sanitary protection

1 equivalent to that achieved under United States
2 standards;

3 (D) the level of port of entry re-inspections to
4 be conducted on processed poultry and processed
5 poultry products offered for importation into the
6 United States from the People's Republic of China;
7 and

8 (E) a work plan incorporating any under-
9 standings or agreements between FSIS and relevant
10 authorities of the People's Republic of China with
11 respect to carrying out the Secretary's assessment of
12 the equivalency of the poultry products inspection
13 system of the People's Republic of China;

14 (6) make publicly available, no later than 30 days
15 from the date they are finalized, the reports of any new
16 audits and on-site reviews conducted by the Secretary,
17 and, in addition, when such audit or review is being con-
18 ducted to determine whether the People's Republic of Chi-
19 na's poultry inspection system achieves a level of sanitary
20 protection equivalent to that achieved under United States
21 standards, to make the final report of such audit or review
22 publicly available no later than 30 days prior to the publi-
23 cation of any notice of proposed rulemaking for such de-
24 termination; and

1 (7) make publicly available a list of facilities in the
2 People’s Republic of China certified to export poultry or
3 poultry products to the United States and to notify the
4 House and Senate Committees on Appropriations if the
5 number of facilities certified by the People’s Republic of
6 China exceeds ten.

7 (b) None of the funds made available by this Act may
8 be used to promulgate any proposed or final rule allowing
9 the importation into the United States of poultry slaugh-
10 tered or poultry products produced from poultry slaugh-
11 tered in the People’s Republic of China unless such rule
12 is promulgated in accordance with the procedures for sig-
13 nificant rules specified in Executive Order 12866.

14 (c) This section shall be applied in a manner con-
15 sistent with United States obligations under its inter-
16 national trade agreements.

17 SEC. 730. None of the funds made available in this
18 Act may be used to pay the salaries or expenses of per-
19 sonnel to—

20 (1) inspect horses under section 3 of the Fed-
21 eral Meat Inspection Act (21 U.S.C. 603);

22 (2) inspect horses under section 903 of the
23 Federal Agriculture Improvement and Reform Act of
24 1996 (7 U.S.C. 1901 note; Public Law 104–127); or

1 (3) implement or enforce section 352.19 of title
2 9, Code of Federal Regulations.

3 SEC. 731. There is hereby appropriated \$2,600,000
4 to carry out section 1621 of Public Law 110–246 and
5 \$3,000,000, to remain available until expended, to carry
6 out section 1613 of Public Law 110–246.

7 SEC. 732. There is hereby appropriated \$800,000 to
8 the Farm Service Agency to carry out a pilot program to
9 demonstrate the use of new technologies that increase the
10 rate of growth of re-forested hardwood trees on private
11 non-industrial forests lands, enrolling lands on the coast
12 of the Gulf of Mexico that were damaged by Hurricane
13 Katrina in 2005.

14 SEC. 733. In the case of each program established
15 or amended by the Food, Conservation, and Energy Act
16 of 2008 (Public Law 110–246), other than by title I or
17 subtitle A of title III of such Act, or programs for which
18 indefinite amounts were provided in that Act that is au-
19 thorized or required to be carried out using funds of the
20 Commodity Credit Corporation—

21 (1) such funds shall be available for salaries
22 and related administrative expenses, including tech-
23 nical assistance, associated with the implementation
24 of the program, without regard to the limitation on
25 the total amount of allotments and fund transfers

1 contained in section 11 of the Commodity Credit
2 Corporation Charter Act (15 U.S.C. 714i); and

3 (2) the use of such funds for such purpose shall
4 not be considered to be a fund transfer or allotment
5 for purposes of applying the limitation on the total
6 amount of allotments and fund transfers contained
7 in such section.

8 SEC. 734. Hereafter, notwithstanding section
9 310B(g)(5) of the Consolidated Farm and Rural Develop-
10 ment Act (7 U.S.C. 1932(g)(5)), the Secretary may assess
11 a one-time fee for any guaranteed business and industry
12 loan in an amount that does not exceed 3 percent of the
13 guaranteed principal portion of the loan.

14 SEC. 735. The Secretary may reserve, through April
15 1, 2011, up to 5 percent of the funding available for the
16 following items for projects in areas that are engaged in
17 strategic regional development planning as defined by the
18 Secretary: business and industry guaranteed loans; rural
19 development loan fund; rural business enterprise grants;
20 rural business opportunity grants; value-added producer
21 grants; broadband program; water and waste program;
22 and rural community facilities program.

23 SEC. 736. Appropriations to the Department of Agri-
24 culture made available in fiscal years 2005, 2006, and
25 2007 to carry out section 601 of the Rural Electrification

1 Act of 1936 (7 U.S.C. 950bb) for the cost of direct loans
2 shall remain available until expended to disburse valid ob-
3 ligations made in fiscal years 2005, 2006, 2007, and
4 2008.

5 SEC. 737. Of the unobligated balances in the Agricul-
6 tural Research Service, Buildings and Facilities account,
7 \$2,226,000 are hereby rescinded: *Provided*, That no
8 amounts may be rescinded from amounts that were des-
9 ignated by the Congress as an emergency requirement
10 pursuant to the Concurrent Resolution on the Budget or
11 the Balanced Budget and Emergency Deficit Control Act
12 of 1985, as amended: *Provided further*, That no amounts
13 may be rescinded from amounts greater than \$5,000,000
14 or that have received an appropriation since 2007 unless
15 construction of those facilities has been completed.

16 SEC. 738. Of the unobligated balances in the Dis-
17 tance Learning, Telemedicine and Broadband Program
18 for the cost of the broadband loans, \$39,000,000 are re-
19 scinded: *Provided*, That no amounts may be rescinded
20 from amounts that were designated by the Congress as
21 an emergency requirement pursuant to the Concurrent
22 Resolution on the Budget or the Balanced Budget and
23 Emergency Deficit Control Act of 1985, as amended.

24 SEC. 739. Of the unobligated balances available for
25 Cooperative State Research, Education, and Extension

1 Service, Buildings and Facilities, \$3,531,000 are re-
2 scinded.

3 SEC. 740. For an additional amount for the “Depart-
4 mental Administration” account, \$1,000,000, to increase
5 the Department’s acquisition workforce capacity and capa-
6 bilities: *Provided*, That such funds may be transferred by
7 the Secretary to any other account in the Department to
8 carry out the purposes provided herein: *Provided further*,
9 That such transfer authority is in addition to any other
10 transfer authority provided in this Act: *Provided further*,
11 That such funds shall be available only to supplement and
12 not to supplant existing acquisition workforce activities:
13 *Provided further*, That such funds shall be available for
14 training, recruitment, and retention of additional members
15 of the acquisition workforce as defined by the Office of
16 Federal Procurement Policy Act, as amended (41 U.S.C.
17 401 et seq.): *Provided further*, That such funds shall be
18 available for information technology in support of acquisi-
19 tion workforce effectiveness or for management solutions
20 to improve acquisition management.

21 SEC. 741. Notwithstanding any other provision of
22 law, school food authorities which received a grant for
23 equipment assistance under the grant program carried out
24 pursuant to the heading “Food and Nutrition Service
25 Child Nutrition Programs” in title I of division A of the

1 American Recovery and Reinvestment Act of 2009 (Public
2 Law 111–5) shall be eligible to receive a grant under sec-
3 tion 749 (j) of the Agriculture, Rural Development, Food
4 and Drug Administration, and Related Agencies Appro-
5 priations Act, 2010 (Public Law 111–80).

6 SEC. 742. The Agricultural Research Service may
7 convey all rights and title of the United States, to a parcel
8 of land comprising .93 acres, more or less, located in SW1/
9 4 Section 26 and NW1/4 Section 35, Township 12 North,
10 Range 1 East, Salt Lake Meridian in Cache County, Utah,
11 originally conveyed by the Board of Trustees of the Utah
12 State University of Agriculture and Applied Science, and
13 described in instruments recorded in Book 45, pages 493–
14 495, of the public land records of Cache County, Utah,
15 including facilities, and fixed equipment, to the Utah State
16 University, Logan, Utah, in their “as is” condition, once
17 suitable headhouse and greenhouse facilities have been
18 provided and when the facilities are vacated by the Agri-
19 cultural Research Service.

20 SEC. 743. (a) When implementing the authority pro-
21 vided in paragraphs (2) and (3) of section 740(c) of the
22 Agriculture, Rural Development, Food and Drug Adminis-
23 tration, and Related Agencies Appropriations Act, 2010
24 (Public Law 111–80) that requires the Commissioner of
25 Food and Drugs to develop updated guidance documents

1 and review standards for the development of safe and ef-
2 fective products to treat rare diseases and neglected trop-
3 ical diseases, the Commissioner shall—

4 (1) maximize the use of accelerated approval
5 where feasible and appropriate;

6 (2) work with sponsors to facilitate expanded
7 access to investigational therapies;

8 (3) increase coordination and interaction with
9 the World Health Organization, European Medicines
10 Agency, and other international regulatory agencies;

11 (4) implement mechanisms for enhanced col-
12 laboration between the Food and Drug Administra-
13 tion and National Regulatory Authorities in devel-
14 oping countries;

15 (5) develop guidance on clinical development
16 programs for rare diseases;

17 (6) develop guidance on the use of surrogate
18 endpoints that are reasonably likely to predict clin-
19 ical benefit of drugs and biological products under
20 the regulations under subpart H of part 314 of title
21 21, Code of Federal Regulations and subpart E of
22 part 601 of title 21, Code of Federal Regulations;
23 and

24 (7) increase coordination among individual
25 drug, biological product, and device review divisions

1 across Food and Drug Administration centers to
2 support the development of safe and effective med-
3 ical products for rare and neglected diseases.

4 (b) The Commissioner of Food and Drugs shall sub-
5 mit a report to the Committee on Appropriations of the
6 Senate and the Committee on Appropriations of the House
7 of Representatives not later than 180 days after the report
8 required in section 740(c)(1) of the Agriculture, Rural De-
9 velopment, Food and Drug Administration, and Related
10 Agencies Appropriations Act, 2010 (Public Law 111–80)
11 is submitted: *Provided*, That the report submitted in re-
12 sponse to this section shall describe in detail how the Food
13 and Drug Administration is implementing subsection (a).

14 SEC. 744. (a) STAKEHOLDER PANEL.—Not later
15 than 90 days after the date of the enactment of this sec-
16 tion, the Secretary of Agriculture shall contract with a
17 person, firm or organization that specializes in facilitating
18 meetings to establish the Stakeholder Panel referred to in
19 paragraph (b). Section 706 of this Act shall not apply to
20 the Stakeholder Panel referred to in paragraph (b).

21 (b) FORMATION.—

22 (1) ESTABLISHMENT.—Not later than 180 days
23 after the date of the enactment of this section, the
24 person, firm or organization that specializes in facili-
25 tating meetings described in subsection (a) shall se-

1 lect the members, convene, and preside over the
2 Stakeholder Panel to analyze public health needs re-
3 lated to food safety and develop a concept for a
4 modern food safety system designed to reduce the
5 risk of foodborne illness for products regulated by
6 the Food Safety and Inspection Service.

7 (2) MEMBERSHIP.—The Stakeholder Panel
8 shall consist of 15 members and include a balanced
9 representation from the following sectors—

10 (A) membership-based consumer organiza-
11 tions;

12 (B) the public health profession;

13 (C) Federal and industry employees, in-
14 cluding a representative of employees of the
15 Food Safety and Inspection Service that are
16 represented by a labor organization (as defined
17 in section (a)(4) of the Civil Service Reform Act
18 (5 U.S.C. 7103)) and a representative of em-
19 ployees of the industries regulated by the Food
20 Safety and Inspection Service that are rep-
21 resented by a labor organization (as defined in
22 section 2 of the National Labor Relations Act
23 (29 U.S.C. 152));

24 (D) agriculture and livestock producers of
25 varying sizes whose products are regulated by

1 the Food Safety and Inspection Service, includ-
2 ing one representative of small agriculture or
3 livestock producers; and

4 (E) food manufacturers and processors of
5 varying sizes that are regulated by the Food
6 Safety and Inspection Service, including at least
7 one representative of small food manufacturers
8 or processors.

9 (3) INITIAL DUTIES AND REPORT.—Not later
10 than 180 days after the date on which the stake-
11 holder panel is initially convened, the stakeholder
12 panel shall develop and submit to the Secretary of
13 Agriculture the terms of reference and the scope of
14 the work to be addressed by the Institute of Medi-
15 cine and the National Research Council of the Na-
16 tional Academy of Sciences study described in sub-
17 section (c) based on an analysis of public health
18 needs related to food safety and a conception of a
19 modern food safety system.

20 (4) POLICY RECOMMENDATIONS AND FINAL RE-
21 PORT.—Not later than one year after the date on
22 which the Secretary of Agriculture submits to the
23 stakeholder panel the report described in subsection
24 (c)(3), the stakeholder panel shall develop and sub-
25 mit to the congressional agriculture committees pol-

1 icy recommendations, including identifying statutory
2 and regulatory changes necessary, on how to im-
3 prove the food safety system for products regulated
4 by the Food Safety and Inspection Service based on
5 an analysis of public health needs, a conception of
6 a modern food safety system, and considering the re-
7 port described in subsection (c)(3).

8 (c) NATIONAL ACADEMY OF SCIENCES STUDY.—

9 (1) IN GENERAL.—The Secretary of Agriculture
10 shall contract with the Institute of Medicine and the
11 National Research Council of the National Academy
12 of Sciences to conduct an evidence-based study of
13 the food safety system for products regulated by the
14 Food Safety and Inspection Service.

15 (2) USE OF TERMS AND SCOPE.—The study de-
16 scribed in subparagraph (1) shall use the terms of
17 reference and be conducted within the scope devel-
18 oped by the stakeholder panel under subsection
19 (b)(4).

20 (3) REPORT.—Not later than one year after the
21 date on which the stakeholder panel submits the re-
22 port required under subsection (b)(3), the Institute
23 of Medicine and the National Research Council of
24 the National Academy of Sciences shall submit to
25 the Secretary of Agriculture a report detailing the

1 results of the study conducted under this subsection.
2 Upon receipt of such report, the Secretary of Agri-
3 culture shall submit such report to the stakeholder
4 panel.

5 (d) DEFINITIONS.—In this section:

6 (1) CONGRESSIONAL AGRICULTURE COMMIT-
7 TEES.—The term “congressional agriculture com-
8 mittees” means—

9 (A) the Committee on Agriculture and the
10 Committee on Appropriations of the House of
11 Representatives; and

12 (B) the Committee on Agriculture, Nutri-
13 tion, and Forestry and the Committee on Ap-
14 propriations of the Senate.

15 (2) FOOD SAFETY AND INSPECTION SERVICE.—
16 The term “Food Safety and Inspection Service”
17 means the Food Safety and Inspection Service of the
18 Department of Agriculture.

19 (3) STAKEHOLDER PANEL.—The term “stake-
20 holder panel” means the stakeholder panel estab-
21 lished under subsection (b)(2).

22 SEC. 745. The unobligated balances available for the
23 wildlife habitat incentives program under section 1240N
24 of the Food Security Act of 1985 (16 U.S.C. 3839bb–1),
25 as identified by Treasury Appropriation Fund Symbol

1 12X3322, are rescinded; for the program under the Water
2 Bank Act (16 U.S.C. 1301 et seq.), as identified by Treas-
3 ury Appropriation Fund Symbol 12X3320; and for the
4 wetlands reserve program under section 1237 of the Food
5 Security Act of 1985 (16 U.S.C. 3837), as identified by
6 Treasury Appropriation Fund Symbol 12X1080; are re-
7 scinded.

8 SEC. 746. Hereafter, under the Rural Electrification
9 Act of 1936 the Secretary of Agriculture shall conduct a
10 pilot program that provides loans or loan guarantees for
11 the construction of not more than three baseload electric
12 generation plants: *Provided*, That in issuing loans and
13 loan guarantees the Secretary shall not discriminate based
14 on the fuel input of such plants as long as the input is
15 from fossil fuels and the generation facility emits into the
16 ambient air CO₂ at a rate, in lbs CO₂/MWh, not greater
17 than the CO₂ emitted from a natural gas fired generation
18 facility of a similar size that began operation within the
19 last 10 years, as determined by the Secretary: *Provided*
20 *further*, That the Secretary shall charge an upfront fee
21 equal to the subsidy cost of such loans as calculated in
22 accordance with section 502 of the Federal Credit Reform
23 Act of 1990: *Provided further*, That the fee shall be paid
24 from non-Federal sources: *Provided further*, That the
25 source of such payment received from borrowers is not a

1 loan or other debt obligation that is guaranteed by the
2 Federal Government: *Provided further*, That gross obliga-
3 tions for the principal amount of loans authorized by this
4 section shall not exceed \$1,500,000,000.

5 SEC. 747. The unobligated balances available for the
6 Outreach for Socially Disadvantaged Farmers account, as
7 identified by Treasury Appropriation Fund Symbol
8 12X0601, are rescinded; for the Rural Community Ad-
9 vancement Program, as identified by Treasury Appropria-
10 tion Fund Symbol 12X0400, are rescinded; for the Pay-
11 ments to States program, as identified by Treasury Appropria-
12 tion Fund symbol 12X2501, are rescinded; for the
13 Common Computing Environment account, as identified
14 by Treasury Appropriation Fund Symbol 12X0113,
15 \$1,866,000 are rescinded; for the Office of the Secretary,
16 as identified by Treasury Appropriation Fund Symbol
17 12X0115, are rescinded; for the Agricultural Credit Insur-
18 ance Fund, as identified by Treasury Appropriation Fund
19 Symbol 12X1140, \$3,000,000 are rescinded; for the Re-
20 source Conservation and Development program, as identi-
21 fied by Treasury Appropriation Fund Symbol 12X1010,
22 \$1,563,000 are rescinded; for the Emergency Conserva-
23 tion Program, as identified by Treasury Appropriation
24 Fund Symbol 12X3316, \$19,939,000 are rescinded; for
25 Watershed and Flood Prevention Operations, as identified

1 by Treasury Appropriation Fund Symbol 12X1072,
2 \$38,846,000 are rescinded; for the Animal and Plant
3 Health Inspection Service—Buildings and Facilities ac-
4 count, as identified by Treasury Appropriation Fund Sym-
5 bol 12X1601, \$3,000,000 are rescinded. In addition, from
6 prior year unobligated balances of Animal and Plant
7 Health Inspection Service—Salaries and Expenses ac-
8 count, the following amounts are rescinded: Sudden Oak
9 Death, \$295,000; Sirex Woodwasp, \$408,000; Avian In-
10 fluenza, \$8,000,000; Information Technology Infrastruc-
11 ture, \$86,000; Screwworm, \$1,000,000; HUB Relocation,
12 \$98,000; H1N1, \$5,000,000; and Contingency Funds,
13 \$1,000,000.

14 SEC. 748. The unobligated balances available for the
15 Agricultural Research Service—Salaries and Expenses ac-
16 count, as identified by Treasury Appropriation Fund Sym-
17 bol 12X1400, as provided through Public Law 109–234
18 and Public Law 111–32, \$971,000 is hereby rescinded;
19 the unobligated balances provided pursuant to section
20 9005 of the Farm Security and Rural Investment Act of
21 2002 (7 U.S.C. 8105), \$28,042,000 is hereby rescinded;
22 the unobligated balances provided pursuant to section
23 9003 of the Farm Security and Rural Investment Act of
24 2002 (7 U.S.C. 8103), \$56,084,000 is hereby rescinded.

1 SEC. 749. None of the funds appropriated or made
2 available by this or any other Act shall be used to pay
3 the salaries and expenses of personnel to carry out a bio-
4 mass crop assistance program as authorized by section
5 9011 of Public Law 107–171 in fiscal year 2011.

6 This division may be cited as the “Agriculture, Rural
7 Development, Food and Drug Administration, and Re-
8 lated Agencies Appropriations Act, 2011”.

9 **DIVISION B—COMMERCE, JUSTICE,**
10 **SCIENCE, AND RELATED AGENCIES**
11 **APPROPRIATIONS ACT, 2011**

12 TITLE I

13 DEPARTMENT OF COMMERCE

14 INTERNATIONAL TRADE ADMINISTRATION

15 OPERATIONS AND ADMINISTRATION

16 For necessary expenses for international trade activi-
17 ties of the Department of Commerce provided for by law,
18 and for engaging in trade promotional activities abroad,
19 including expenses of grants and cooperative agreements
20 for the purpose of promoting exports of United States
21 firms, without regard to 44 U.S.C. 3702 and 3703; full
22 medical coverage for dependent members of immediate
23 families of employees stationed overseas and employees
24 temporarily posted overseas; travel and transportation of
25 employees of the International Trade Administration be-

1 tween two points abroad, without regard to 49 U.S.C.
2 40118; employment of Americans and aliens by contract
3 for services; rental of space abroad for periods not exceed-
4 ing 10 years, and expenses of alteration, repair, or im-
5 provement; purchase or construction of temporary de-
6 mountable exhibition structures for use abroad; payment
7 of tort claims, in the manner authorized in the first para-
8 graph of 28 U.S.C. 2672 when such claims arise in foreign
9 countries; not to exceed \$245,250 for official representa-
10 tion expenses abroad; purchase of passenger motor vehi-
11 cles for official use abroad, not to exceed \$45,000 per vehi-
12 cle; obtaining insurance on official motor vehicles; and
13 rental of tie lines, \$514,204,000, to remain available until
14 September 30, 2012, of which \$9,439,000 is to be derived
15 from fees to be retained and used by the International
16 Trade Administration, notwithstanding 31 U.S.C. 3302:
17 *Provided*, That not less than \$7,000,000 shall be for the
18 Office of China Compliance, and not less than \$4,400,000
19 shall be for the China Countervailing Duty Group: *Pro-*
20 *vided further*, That the provisions of the first sentence of
21 section 105(f) and all of section 108(c) of the Mutual Edu-
22 cational and Cultural Exchange Act of 1961 (22 U.S.C.
23 2455(f) and 2458(c)) shall apply in carrying out these ac-
24 tivities without regard to section 5412 of the Omnibus
25 Trade and Competitiveness Act of 1988 (15 U.S.C. 4912);

1 and that for the purpose of this Act, contributions under
2 the provisions of the Mutual Educational and Cultural Ex-
3 change Act of 1961 shall include payment for assessments
4 for services provided as part of these activities: *Provided*
5 *further*, That negotiations shall be conducted within the
6 World Trade Organization to recognize the right of mem-
7 bers to distribute monies collected from antidumping and
8 countervailing duties: *Provided further*, That negotiations
9 shall be conducted within the World Trade Organization
10 consistent with the negotiating objectives contained in the
11 Trade Act of 2002, Public Law 107–210: *Provided further*,
12 That within the amounts appropriated, \$3,400,000 shall
13 be used for the projects, and in the amounts, as specified
14 in the explanatory statement described in section 4 (in the
15 matter preceding division A of this consolidated Act).

16 BUREAU OF INDUSTRY AND SECURITY

17 OPERATIONS AND ADMINISTRATION

18 For necessary expenses for export administration and
19 national security activities of the Department of Com-
20 merce, including costs associated with the performance of
21 export administration field activities both domestically and
22 abroad; full medical coverage for dependent members of
23 immediate families of employees stationed overseas; em-
24 ployment of Americans and aliens by contract for services
25 abroad; payment of tort claims, in the manner authorized

1 in the first paragraph of 28 U.S.C. 2672 when such claims
2 arise in foreign countries; not to exceed \$11,250 for offi-
3 cial representation expenses abroad; awards of compensa-
4 tion to informers under the Export Administration Act of
5 1979, and as authorized by 22 U.S.C. 401(b); and pur-
6 chase of passenger motor vehicles for official use and
7 motor vehicles for law enforcement use with special re-
8 quirement vehicles eligible for purchase without regard to
9 any price limitation otherwise established by law,
10 \$109,975,000, to remain available until expended, of
11 which \$31,680,000 shall be for inspections and other ac-
12 tivities related to national security: *Provided*, That the
13 provisions of the first sentence of section 105(f) and all
14 of section 108(c) of the Mutual Educational and Cultural
15 Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c))
16 shall apply in carrying out these activities: *Provided fur-*
17 *ther*, That payments and contributions collected and ac-
18 cepted for materials or services provided as part of such
19 activities may be retained for use in covering the cost of
20 such activities, and for providing information to the public
21 with respect to the export administration and national se-
22 curity activities of the Department of Commerce and other
23 export control programs of the United States and other
24 governments.

1 ECONOMIC DEVELOPMENT ADMINISTRATION

2 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

3 For grants for economic development assistance as
4 provided by the Public Works and Economic Development
5 Act of 1965, and for trade adjustment assistance,
6 \$277,000,000, to remain available until expended.

7 SALARIES AND EXPENSES

8 For necessary expenses of administering the eco-
9 nomic development assistance programs as provided for by
10 law, \$40,181,000: *Provided*, That these funds may be used
11 to monitor projects approved pursuant to title I of the
12 Public Works Employment Act of 1976, title II of the
13 Trade Act of 1974, and the Community Emergency
14 Drought Relief Act of 1977.

15 MINORITY BUSINESS DEVELOPMENT AGENCY

16 MINORITY BUSINESS DEVELOPMENT

17 For necessary expenses of the Department of Com-
18 merce in fostering, promoting, and developing minority
19 business enterprise, including expenses of grants, con-
20 tracts, and other agreements with public or private organi-
21 zations, \$32,316,000.

22 ECONOMIC AND STATISTICAL ANALYSIS

23 SALARIES AND EXPENSES

24 For necessary expenses, as authorized by law, of eco-
25 nomic and statistical analysis programs of the Department

1 of Commerce, \$110,000,000, to remain available until
2 September 30, 2012.

3 BUREAU OF THE CENSUS

4 SALARIES AND EXPENSES

5 For expenses necessary for collecting, compiling, ana-
6 lyzing, preparing, and publishing statistics, provided for
7 by law, \$271,364,000.

8 PERIODIC CENSUSES AND PROGRAMS

9 For necessary expenses to collect and publish statis-
10 ties for periodic censuses and programs provided for by
11 law, \$964,059,000, to remain available until September
12 30, 2012: *Provided*, That from amounts provided herein,
13 funds may be used for promotion, outreach, and mar-
14 keting activities.

15 NATIONAL TELECOMMUNICATIONS AND INFORMATION

16 ADMINISTRATION

17 SALARIES AND EXPENSES

18 For necessary expenses, as provided for by law, of
19 the National Telecommunications and Information Ad-
20 ministration (NTIA), \$41,568,000, to remain available
21 until September 30, 2012: *Provided*, That, notwith-
22 standing 31 U.S.C. 1535(d), the Secretary of Commerce
23 shall charge Federal agencies for costs incurred in spec-
24 trum management, analysis, operations, and related serv-
25 ices, and such fees shall be retained and used as offsetting

1 collections for costs of such spectrum services, to remain
2 available until expended: *Provided further*, That the Sec-
3 retary of Commerce is authorized to retain and use as off-
4 setting collections all funds transferred, or previously
5 transferred, from other Government agencies for all costs
6 incurred in telecommunications research, engineering, and
7 related activities by the Institute for Telecommunication
8 Sciences of NTLA, in furtherance of its assigned functions
9 under this paragraph, and such funds received from other
10 Government agencies shall remain available until ex-
11 pended.

12 PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING
13 AND CONSTRUCTION

14 For the administration of grants, authorized by sec-
15 tion 392 of the Communications Act of 1934,
16 \$20,000,000, to remain available until expended as au-
17 thorized by section 391 of the Act: *Provided*, That not to
18 exceed \$2,000,000 shall be available for program adminis-
19 tration as authorized by section 391 of the Act: *Provided*
20 *further*, That, notwithstanding the provisions of section
21 391 of the Act, the prior year unobligated balances may
22 be made available for grants for projects for which appli-
23 cations have been submitted and approved during any fis-
24 cal year.

1 UNITED STATES PATENT AND TRADEMARK OFFICE
2 SALARIES AND EXPENSES
3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses of the United States Patent
5 and Trademark Office (USPTO) provided for by law, in-
6 cluding defense of suits instituted against the Under Sec-
7 retary of Commerce for Intellectual Property and Director
8 of the United States Patent and Trademark Office,
9 \$2,262,000,000, to remain available until expended: *Pro-*
10 *vided*, That the sum herein appropriated from the general
11 fund shall be reduced as offsetting collections assessed and
12 collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41
13 and 376 are received during fiscal year 2011, so as to re-
14 sult in a fiscal year 2011 appropriation from the general
15 fund estimated at \$0: *Provided further*, That during fiscal
16 year 2011, should the total amount of offsetting collec-
17 tions, and the surcharge provided herein, be less than
18 \$2,262,000,000, this amount shall be reduced accordingly:
19 *Provided further*, That any amount received in excess of
20 \$2,262,000,000 in fiscal year 2011, in an amount up to
21 \$200,000,000, shall remain available until expended: *Pro-*
22 *vided further*, That from amounts provided herein, not to
23 exceed \$750 shall be made available in fiscal year 2011
24 for official reception and representation expenses: *Pro-*
25 *vided further*, That in fiscal year 2011 from the amounts

1 made available for “Salaries and Expenses” for the
2 USPTO, the amounts necessary to pay: (1) the difference
3 between the percentage of basic pay contributed by the
4 USPTO and employees under section 8334(a) of title 5,
5 United States Code, and the normal cost percentage (as
6 defined by section 8331(17) of that title) of basic pay, of
7 employees subject to subchapter III of chapter 83 of that
8 title; and (2) the present value of the otherwise unfunded
9 accruing costs, as determined by the Office of Personnel
10 Management, of post-retirement life insurance and post-
11 retirement health benefits coverage for all USPTO em-
12 ployees, shall be transferred to the Civil Service Retire-
13 ment and Disability Fund, the Employees Life Insurance
14 Fund, and the Employees Health Benefits Fund, as ap-
15 propriate, and shall be available for the authorized pur-
16 poses of those accounts: *Provided further*, That sections
17 801, 802, and 803 of division B, Public Law 108–447
18 shall remain in effect during fiscal year 2011: *Provided*
19 *further*, That the Director may, this year, reduce by regu-
20 lation fees payable for documents in patent and trademark
21 matters, in connection with the filing of documents filed
22 electronically in a form prescribed by the Director: *Pro-*
23 *vided further*, That from the amounts provided herein, no
24 less than \$4,000,000 shall be available only for the
25 USPTO contribution in a cooperative or joint agreement

1 or agreements with a non-profit organization or organiza-
2 tions, successfully audited within the previous year, and
3 with previous experience in such programs, to conduct pol-
4 icy studies, including studies relating to activities of
5 United Nations Specialized agencies and other inter-
6 national organizations, as well as conferences and other
7 development programs, in support of fair international
8 protection of intellectual property rights: *Provided further*,
9 That there shall be a surcharge of 15 percent, rounded
10 by standard arithmetic rules, on fees charged or author-
11 ized by subsections (a), (b) and (d)(1) of section 41 of
12 title 35, United States Code, as administered under Public
13 Law 108–447 and this Act and on fees charged or author-
14 ized by section 132(b) of title 35, United States Code: *Pro-*
15 *vided further*, That the surcharge established under the
16 previous proviso shall be separate from, and in addition
17 to, any other surcharge that may be required pursuant
18 to any provision of title 35, United States Code: *Provided*
19 *further*, That the surcharge established in the previous two
20 provisions shall take effect on the date that is 10 days
21 after the date of enactment of this Act, and shall remain
22 in effect during fiscal year 2011: *Provided further*, That,
23 the receipts collected as a result of these surcharges shall
24 be available, within the amounts provided herein, to the
25 USPTO without fiscal year limitation, for all authorized

1 activities and operations of the Office: *Provided further*,
2 That within the amounts appropriated, \$1,000,000 shall
3 be transferred to the Office of Inspector General for activi-
4 ties associated with carrying out investigations and audits
5 related to the USPTO.

6 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
7 SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

8 For necessary expenses of the National Institute of
9 Standards and Technology, \$541,246,000, to remain
10 available until expended, of which not to exceed
11 \$9,000,000 may be transferred to the “Working Capital
12 Fund”: *Provided*, That not to exceed \$7,500 shall be for
13 official reception and representation expenses: *Provided*
14 *further*, That within the amounts appropriated,
15 \$5,275,000 shall be used for the projects, and in the
16 amounts, as specified in the explanatory statement de-
17 scribed in section 4 (in the matter preceding division A
18 of this consolidated Act).

19 INDUSTRIAL TECHNOLOGY SERVICES

20 For necessary expenses of the Industrial Technology
21 Services of the National Institute of Standards and Tech-
22 nology, \$204,454,000, to remain available until expended:
23 *Provided*, That of the amounts appropriated,
24 \$124,700,000 shall be for the Hollings Manufacturing Ex-
25 tension Partnership, \$69,900,000 shall be for the Tech-

1 nology Innovation Program, and \$9,854,000 shall be for
2 the Baldrige Performance Excellence Program.

3 CONSTRUCTION OF RESEARCH FACILITIES

4 For construction of new research facilities, including
5 architectural and engineering design, and for renovation
6 and maintenance of existing facilities, not otherwise pro-
7 vided for the National Institute of Standards and Tech-
8 nology, as authorized by 15 U.S.C. 278c–278e,
9 \$132,000,000, to remain available until expended, of
10 which \$20,000,000 is for a competitive construction grant
11 program for research science buildings: *Provided*, That
12 within the amounts appropriated, \$50,000,000 shall be
13 used for the projects, and in the amounts, as specified in
14 the explanatory statement described in section 4 (in the
15 matter preceding division A of this consolidated Act): *Pro-*
16 *vided further*, That the Secretary of Commerce shall in-
17 clude in the budget justification materials that the Sec-
18 retary submits to Congress in support of the Department
19 of Commerce budget (as submitted with the budget of the
20 President under section 1105(a) of title 31, United States
21 Code) an estimate for each National Institute of Stand-
22 ards and Technology construction project having a total
23 multi-year program cost of more than \$5,000,000 and si-
24 multaneously the budget justification materials shall in-

1 clude an estimate of the budgetary requirements for each
2 such project for each of the five subsequent fiscal years.

3 NATIONAL OCEANIC AND ATMOSPHERIC
4 ADMINISTRATION
5 OPERATIONS, RESEARCH, AND FACILITIES
6 (INCLUDING TRANSFERS OF FUNDS)

7 For necessary expenses of activities authorized by law
8 for the National Oceanic and Atmospheric Administration
9 (NOAA), including maintenance, operation, and hire of
10 aircraft and vessels; grants, contracts, or other payments
11 to nonprofit organizations for the purposes of conducting
12 activities pursuant to cooperative agreements; and reloca-
13 tion of facilities, \$3,475,460,000, to remain available until
14 September 30, 2012, except for funds provided for cooper-
15 ative enforcement, which shall remain available until Sep-
16 tember 30, 2013: *Provided*, That fees and donations re-
17 ceived by the National Ocean Service for the management
18 of national marine sanctuaries may be retained and used
19 for the salaries and expenses associated with those activi-
20 ties, notwithstanding 31 U.S.C. 3302: *Provided further*,
21 That in addition, \$3,000,000 shall be derived by transfer
22 from the fund entitled “Coastal Zone Management” and
23 in addition \$68,000,000 shall be derived by transfer from
24 the fund entitled “Promote and Develop Fishery Products
25 and Research Pertaining to American Fisheries” and

1 \$6,000,000 is derived from recoveries of prior-year obliga-
2 tions: *Provided further*, That of the \$3,552,460,000 pro-
3 vided for in direct obligations under this heading
4 \$3,475,460,000 is appropriated from the general fund,
5 and \$71,000,000 is provided by transfer: *Provided further*,
6 That no more than \$391,000,000 of these funds may be
7 used for administrative costs incurred by NOAA's cor-
8 porate staff and line office headquarters offices, and with-
9 in this amount \$245,028,000 shall be available for the
10 NOAA corporate service administrative support costs:
11 *Provided further*, That this \$391,000,000 limitation may
12 be increased up to 5 percent, provided that the Adminis-
13 trator of NOAA shall notify the Committees on Appropria-
14 tions at least 15 days in advance of the need with the
15 reasons for any proposed increase: *Provided further*, That
16 payments of funds made available under this heading to
17 the Department of Commerce Working Capital Fund in-
18 cluding Department of Commerce General Counsel legal
19 services shall not exceed \$41,944,000: *Provided further*,
20 That within the amounts appropriated, \$97,565,000 shall
21 be used for the projects, and in the amounts, as specified
22 in the explanatory statement described in section 4 (in the
23 matter preceding division A of this consolidated Act): *Pro-*
24 *vided further*, That none of the funds within the Fisheries
25 Enforcement Asset Forfeiture Fund shall be available for

1 obligation until the Administrator of NOAA completes a
2 comprehensive independent audit of the fund's assets and
3 related transactions, defines precisely what monies con-
4 stitute fund assets, states how the fund will comply with
5 all applicable laws, and receives approval from the Com-
6 mittees on Appropriations for its spend plan: *Provided fur-*
7 *ther*, That the Administrator shall identify and account for
8 the Fisheries Enforcement Asset Forfeiture Fund as a
9 separate and distinct part of the agency's annual budget
10 submissions: *Provided further*, That any deviation from
11 the amounts designated for specific activities in the ex-
12 planatory statement accompanying this Act, or any use
13 of deobligated balances of funds provided under this head-
14 ing in previous years, shall be subject to the procedures
15 set forth in section 505 of this Act: *Provided further*, That
16 in allocating grants under sections 306 and 306A of the
17 Coastal Zone Management Act of 1972, as amended, no
18 coastal State shall receive more than 5 percent or less
19 than 1 percent of increased funds appropriated over the
20 previous fiscal year.

21 In addition, for necessary retired pay expenses under
22 the Retired Serviceman's Family Protection and Survivor
23 Benefits Plan, and for payments for the medical care of
24 retired personnel and their dependents under the Depend-

1 ents Medical Care Act (10 U.S.C. 55), such sums as may
2 be necessary.

3 PROCUREMENT, ACQUISITION AND CONSTRUCTION
4 (INCLUDING TRANSFER OF FUNDS)

5 For procurement, acquisition and construction of
6 capital assets, including alteration and modification costs,
7 of the National Oceanic and Atmospheric Administration
8 (NOAA), \$2,002,219,000, to remain available until Sep-
9 tember 30, 2013, except funds provided for construction
10 of facilities which shall remain available until expended:
11 *Provided*, That of the \$2,009,219,000 provided for in di-
12 rect obligations under this heading, \$2,002,219,000 is ap-
13 propriated from the general fund and \$7,000,000 is pro-
14 vided from recoveries of prior year obligations: *Provided*
15 *further*, That no more than \$22,000,000 of these funds
16 may be used for administrative costs incurred by NOAA's
17 corporate staff and line office headquarters offices: *Pro-*
18 *vided further*, That this \$22,000,000 limitation may be in-
19 creased up to 5 percent, provided that the Administrator
20 of NOAA shall notify the Committees on Appropriations
21 of the House of Representatives and the Senate at least
22 15 days in advance of the need with the reasons for any
23 proposed increase: *Provided further*, That any deviation
24 from the amounts designated for specific activities in the
25 explanatory statement accompanying this Act, or any use

1 of deobligated balances of funds provided under this head-
2 ing in previous years, shall be subject to the procedures
3 set forth in section 505 of this Act: *Provided further*, That
4 except to the extent expressly prohibited by any other law,
5 the Department of Defense may delegate procurement
6 functions related to the National Polar-orbiting Oper-
7 ational Environmental Satellite System to officials of the
8 Department of Commerce pursuant to section 2311 of title
9 10, United States Code: *Provided further*, That within the
10 amounts appropriated, \$6,575,000 shall be used for the
11 projects, and in the amounts, as specified in the explana-
12 tory statement described in section 4 (in the matter pre-
13 ceding division A of this consolidated Act): *Provided fur-*
14 *ther*, That the Secretary of Commerce shall include in
15 budget justification materials that the Secretary submits
16 to Congress in support of the Department of Commerce
17 budget (as submitted with the budget of the President
18 under section 1105(a) of title 31, United States Code) an
19 estimate for each NOAA Procurement, Acquisition or
20 Construction project having a total of more than
21 \$5,000,000 and simultaneously the budget justification
22 shall include an estimate of the budgetary requirements
23 for each such project for each of the five subsequent fiscal
24 years: *Provided further*, That within the amounts appro-
25 priated, \$1,000,000 shall be transferred to the Office of

1 Inspector General for activities associated with carrying
2 out investigations and audits related to NOAA satellite
3 programs.

4 PACIFIC COASTAL SALMON RECOVERY

5 For necessary expenses associated with the restora-
6 tion of Pacific salmon populations, \$80,000,000, to re-
7 main available until September 30, 2012: *Provided*, That
8 of the funds provided herein the Secretary of Commerce
9 may issue grants to the States of Washington, Oregon,
10 Idaho, Nevada, California, and Alaska, and Federally-rec-
11 ognized tribes of the Columbia River and Pacific Coast
12 (including Alaska) for projects necessary for conservation
13 of salmon and steelhead populations that are listed as
14 threatened or endangered, or identified by a State as at-
15 risk to be so-listed, for maintaining populations necessary
16 for exercise of tribal treaty fishing rights or native subsist-
17 ence fishing, or for conservation of Pacific coastal salmon
18 and steelhead habitat, based on guidelines to be developed
19 by the Secretary of Commerce: *Provided further*, That all
20 funds shall be allocated based on scientific and other merit
21 principles and shall not be available for marketing activi-
22 ties: *Provided further*, That funds disbursed to States shall
23 be subject to a matching requirement of funds or docu-
24 mented in-kind contributions of at least 33 percent of the
25 Federal funds.

1 FISHERMEN'S CONTINGENCY FUND

2 For carrying out the provisions of title IV of Public
3 Law 95-372, not to exceed \$250,000, to be derived from
4 receipts collected pursuant to that Act, to remain available
5 until expended.

6 COASTAL ZONE MANAGEMENT FUND

7 (INCLUDING TRANSFER OF FUNDS)

8 Of amounts collected pursuant to section 308 of the
9 Coastal Zone Management Act of 1972 (16 U.S.C.
10 1456a), not to exceed \$3,000,000 shall be transferred to
11 the "Operations, Research, and Facilities" account to off-
12 set the costs of implementing such Act.

13 FISHERIES FINANCE PROGRAM ACCOUNT

14 Subject to section 502 of the Congressional Budget
15 Act of 1974, during fiscal year 2011, obligations of direct
16 loans may not exceed \$16,000,000 for Individual Fishing
17 Quota loans and not to exceed \$59,000,000 for traditional
18 direct loans as authorized by the Merchant Marine Act
19 of 1936: *Provided*, That none of the funds made available
20 under this heading may be used for direct loans for any
21 new fishing vessel that will increase the harvesting capac-
22 ity in any United States fishery.

1 DEPARTMENTAL MANAGEMENT

2 SALARIES AND EXPENSES

3 For expenses necessary for the departmental manage-
4 ment of the Department of Commerce provided for by law,
5 including not to exceed \$5,000 for official reception and
6 representation, \$64,595,000: *Provided*, That the Sec-
7 retary, within 60 days of enactment of this Act, shall pro-
8 vide a report to the Committees on Appropriations that
9 audits and evaluates all decision documents and expendi-
10 tures by the Bureau of the Census as they relate to the
11 2010 and 2020 decennials: *Provided further*, That of the
12 amounts provided to the Secretary within this account,
13 \$5,000,000 shall not become available for obligation until
14 the Secretary certifies to the Committees on Appropria-
15 tions that the Bureau of the Census has followed and met
16 all standards and best practices, and all Office of Manage-
17 ment and Budget guidelines related to information tech-
18 nology projects and contract management.

19 RENOVATION AND MODERNIZATION

20 For expenses necessary, including blast windows, for
21 the renovation and modernization of Department of Com-
22 merce facilities, \$5,000,000, to remain available until ex-
23 pended.

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General in carrying out the provisions of the Inspector
4 General Act of 1978 (5 U.S.C. App.) (as amended),
5 \$29,394,000.

6 GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

7 SEC. 101. During the current fiscal year, applicable
8 appropriations and funds made available to the Depart-
9 ment of Commerce by this Act shall be available for the
10 activities specified in the Act of October 26, 1949 (15
11 U.S.C. 1514), to the extent and in the manner prescribed
12 by the Act, and, notwithstanding 31 U.S.C. 3324, may
13 be used for advanced payments not otherwise authorized
14 only upon the certification of officials designated by the
15 Secretary of Commerce that such payments are in the
16 public interest.

17 SEC. 102. During the current fiscal year, appropria-
18 tions made available to the Department of Commerce by
19 this Act for salaries and expenses shall be available for
20 hire of passenger motor vehicles as authorized by 31
21 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C.
22 3109; and uniforms or allowances therefor, as authorized
23 by law (5 U.S.C. 5901–5902).

24 SEC. 103. Not to exceed 5 percent of any appropria-
25 tion made available for the current fiscal year for the De-

1 partment of Commerce in this Act may be transferred be-
2 tween such appropriations, but no such appropriation shall
3 be increased by more than 10 percent by any such trans-
4 fers: *Provided*, That any transfer pursuant to this section
5 shall be treated as a reprogramming of funds under sec-
6 tion 505 of this Act and shall not be available for obliga-
7 tion or expenditure except in compliance with the proce-
8 dures set forth in that section: *Provided further*, That the
9 Secretary of Commerce shall notify the Committees on Ap-
10 propriations at least 15 days in advance of the acquisition
11 or disposal of any capital asset (including land, structures,
12 and equipment) not specifically provided for in this Act
13 or any other law appropriating funds for the Department
14 of Commerce.

15 SEC. 104. Any costs incurred by a department or
16 agency funded under this title resulting from personnel
17 actions taken in response to funding reductions included
18 in this title or from actions taken for the care and protec-
19 tion of loan collateral or grant property shall be absorbed
20 within the total budgetary resources available to such de-
21 partment or agency: *Provided*, That the authority to trans-
22 fer funds between appropriations accounts as may be nec-
23 essary to carry out this section is provided in addition to
24 authorities included elsewhere in this Act: *Provided fur-*
25 *ther*, That use of funds to carry out this section shall be

1 treated as a reprogramming of funds under section 505
2 of this Act and shall not be available for obligation or ex-
3 penditure except in compliance with the procedures set
4 forth in that section.

5 SEC. 105. The requirements set forth by section 112
6 of division B of Public Law 110–161 are hereby adopted
7 by reference.

8 SEC. 106. Notwithstanding any other law, the Sec-
9 retary may furnish services (including but not limited to
10 utilities, telecommunications, and security services) nec-
11 essary to support the operation, maintenance, and im-
12 provement of space that persons, firms or organizations
13 are authorized pursuant to the Public Buildings Coopera-
14 tive Use Act of 1976 or other authority to use or occupy
15 in the Herbert C. Hoover Building, Washington, DC, or
16 other buildings, the maintenance, operation, and protec-
17 tion of which has been delegated to the Secretary from
18 the Administrator of General Services pursuant to the
19 Federal Property and Administrative Services Act of
20 1949, as amended, on a reimbursable or non-reimbursable
21 basis. Amounts received as reimbursement for services
22 provided under this section or the authority under which
23 the use or occupancy of the space is authorized, up to
24 \$200,000, shall be credited to the appropriation or fund
25 which initially bears the costs of such services.

1 SEC. 107. Nothing in this title shall be construed to
2 prevent a grant recipient from deterring child pornog-
3 raphy, copyright infringement, or any other unlawful ac-
4 tivity over its networks.

5 SEC. 108. The Administrator of the National Oceanic
6 and Atmospheric Administration is authorized to use, with
7 their consent, with reimbursement and subject to the lim-
8 its of available appropriations, the land, services, equip-
9 ment, personnel, and facilities of any department, agency
10 or instrumentality of the United States, or of any State,
11 local government, Indian tribal government, Territory or
12 possession, or of any political subdivision thereof, or of
13 any foreign government or international organization for
14 purposes related to carrying out the responsibilities of any
15 statute administered by the National Oceanic and Atmos-
16 pheric Administration.

17 SEC. 109. (a) The Secretary of State shall ensure
18 participation in the Commission for the Conservation and
19 Management of Highly Migratory Fish Stocks in the
20 Western and Central Pacific Ocean (“Commission”) and
21 its subsidiary bodies by American Samoa, Guam, and the
22 Northern Mariana Islands (collectively, the U.S. Partici-
23 pating Territories) to the same extent provided to the ter-
24 ritories of other nations.

1 (b) The U.S. Participating Territories are each au-
2 thORIZED to use, assign, and allocate catch limits of highly
3 migratory fish stocks, or fishing effort limits, agreed to
4 by the Commission for the participating territories of the
5 Convention for the Conservation and Management of
6 Highly Migratory Fish Stocks in the Western and Central
7 Pacific Ocean, through arrangements with U.S. vessels
8 with permits issued under the Pelagic Fishery Manage-
9 ment Plan of the Western Pacific Region. Vessels under
10 such arrangements are integral to the domestic fisheries
11 of the U.S. Participating Territories, provided that such
12 arrangements are funded by deposits to the Western Pa-
13 cific Sustainable Fisheries Fund in support of fisheries de-
14 velopment projects identified in a Territory's Marine Con-
15 servation Plan and adopted pursuant to section 204 of the
16 Magnuson-Stevens Fishery Conservation and Manage-
17 ment Act (16 U.S.C. 1824). The Secretary of Commerce
18 shall attribute catches made by vessels operating under
19 such arrangements to the U.S. Participating Territories
20 for the purposes of annual reporting to the Commission.

21 (c) The Western Pacific Regional Fisheries Manage-
22 ment Council—

23 (1) is authorized to accept and deposit into the
24 Western Pacific Sustainable Fisheries Fund funding
25 for arrangements pursuant to subsection (b);

1 (2) shall use amounts deposited under para-
2 graph (1) that are attributable to a particular U.S.
3 Participating Territory only for implementation of
4 that Territory's Marine Conservation Plan adopted
5 pursuant to section 204 of the Magnuson-Stevens
6 Fishery Conservation and Management Act (16
7 U.S.C. 1824); and

8 (3) shall recommend an amendment to the
9 Pelagics Fishery Ecosystem Plan for the Western
10 Pacific Region, and associated regulations, to imple-
11 ment this section.

12 (d) Subsection (b) shall remain in effect until such
13 time as—

14 (1) the Western Pacific Regional Fishery Man-
15 agement Council recommends an amendment to the
16 Pelagics Fishery Ecosystem Plan for the Western
17 Pacific Region, and implementing regulations, to the
18 Secretary of Commerce that authorize use, assign-
19 ment, and allocation of catch limits of highly migra-
20 tory fish stocks, or fishing effort limits, established
21 by the Commission and applicable to U.S. Partici-
22 pating Territories;

23 (2) the Secretary of Commerce approves the
24 amendment; and

1 That this transfer authority is in addition to transfers au-
2 thorized under section 505 of this Act.

3 NATIONAL DRUG INTELLIGENCE CENTER

4 For necessary expenses of the National Drug Intel-
5 ligence Center, including reimbursement of Air Force per-
6 sonnel for the National Drug Intelligence Center to sup-
7 port the Department of Defense's counter-drug intel-
8 ligence responsibilities, \$44,580,000: *Provided*, That the
9 National Drug Intelligence Center shall maintain the per-
10 sonnel and technical resources to provide timely support
11 to law enforcement authorities and the intelligence com-
12 munity by conducting document and computer exploitation
13 of materials collected in Federal, State, and local law en-
14 forcement activity associated with counter-drug, counter-
15 terrorism, and national security investigations and oper-
16 ations.

17 JUSTICE INFORMATION SHARING TECHNOLOGY

18 For necessary expenses for information sharing tech-
19 nology, including planning, development, deployment and
20 departmental direction, \$124,585,000, to remain available
21 until expended, of which not less than \$21,132,000 is for
22 the Unified Financial Management System.

23 LAW ENFORCEMENT WIRELESS COMMUNICATIONS

24 For the costs of developing and implementing a na-
25 tion-wide Integrated Wireless Network supporting Federal

1 law enforcement communications, and for the costs of op-
2 erations and maintenance of existing Land Mobile Radio
3 legacy systems, \$207,727,000, to remain available until
4 expended: *Provided*, That the Attorney General shall
5 transfer to this account all funds made available to the
6 Department of Justice for the purchase of portable and
7 mobile radios: *Provided further*, That any transfer made
8 under the preceding proviso shall be subject to section 505
9 of this Act.

10 ADMINISTRATIVE REVIEW AND APPEALS

11 For expenses necessary for the administration of par-
12 don and clemency petitions and immigration-related activi-
13 ties, \$319,420,000, of which \$4,000,000 shall be derived
14 by transfer from the Executive Office for Immigration Re-
15 view fees deposited in the “Immigration Examinations
16 Fee” account.

17 DETENTION TRUSTEE

18 For necessary expenses of the Federal Detention
19 Trustee, \$1,533,863,000, to remain available until ex-
20 pended: *Provided*, That the Trustee shall be responsible
21 for managing the Justice Prisoner and Alien Transpor-
22 tation System: *Provided further*, That not to exceed
23 \$20,000,000 shall be considered “funds appropriated for
24 State and local law enforcement assistance” pursuant to
25 18 U.S.C. 4013(b).

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General, \$88,792,000, including not to exceed \$10,000 to
4 meet unforeseen emergencies of a confidential character.

5 UNITED STATES PAROLE COMMISSION

6 SALARIES AND EXPENSES

7 For necessary expenses of the United States Parole
8 Commission as authorized, \$13,582,000.

9 LEGAL ACTIVITIES

10 SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

11 For expenses necessary for the legal activities of the
12 Department of Justice, not otherwise provided for, includ-
13 ing not to exceed \$20,000 for expenses of collecting evi-
14 dence, to be expended under the direction of, and to be
15 accounted for solely under the certificate of, the Attorney
16 General; and rent of private or Government-owned space
17 in the District of Columbia, \$969,989,000, of which not
18 to exceed \$10,000,000 for litigation support contracts
19 shall remain available until expended: *Provided*, That of
20 the total amount appropriated, not to exceed \$7,500 shall
21 be available to the United States National Central Bu-
22 reau, INTERPOL, for official reception and representa-
23 tion expenses: *Provided further*, That notwithstanding sec-
24 tion 205 of this Act, upon a determination by the Attorney
25 General that emergent circumstances require additional

1 funding for litigation activities of the Civil Division, the
2 Attorney General may transfer such amounts to “Salaries
3 and Expenses, General Legal Activities” from available
4 appropriations for the current fiscal year for the Depart-
5 ment of Justice, as may be necessary to respond to such
6 circumstances: *Provided further*, That any transfer pursu-
7 ant to the previous proviso shall be treated as a re-
8 programming under section 505 of this Act and shall not
9 be available for obligation or expenditure except in compli-
10 ance with the procedures set forth in that section: *Pro-*
11 *vided further*, That of the amount appropriated, such sums
12 as may be necessary shall be available to reimburse the
13 Office of Personnel Management for salaries and expenses
14 associated with the election monitoring program under
15 section 8 of the Voting Rights Act of 1965 (42 U.S.C.
16 1973f): *Provided further*, That of the amounts provided
17 under this heading for the election monitoring program
18 \$3,390,000, shall remain available until expended.

19 In addition, for reimbursement of expenses of the De-
20 partment of Justice associated with processing cases
21 under the National Childhood Vaccine Injury Act of 1986,
22 not to exceed \$7,833,000, to be appropriated from the
23 Vaccine Injury Compensation Trust Fund.

1 SALARIES AND EXPENSES, ANTITRUST DIVISION

2 For expenses necessary for the enforcement of anti-
3 trust and kindred laws, \$167,028,000, to remain available
4 until expended: *Provided*, That notwithstanding any other
5 provision of law, fees collected for premerger notification
6 filings under the Hart-Scott-Rodino Antitrust Improve-
7 ments Act of 1976 (15 U.S.C. 18a), regardless of the year
8 of collection (and estimated to be \$96,000,000 in fiscal
9 year 2011), shall be retained and used for necessary ex-
10 penses in this appropriation, and shall remain available
11 until expended: *Provided further*, That the sum herein ap-
12 propriated from the general fund shall be reduced as such
13 offsetting collections are received during fiscal year 2011,
14 so as to result in a final fiscal year 2011 appropriation
15 from the general fund estimated at \$71,028,000.

16 SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

17 For necessary expenses of the Offices of the United
18 States Attorneys, including inter-governmental and coop-
19 erative agreements, \$2,041,269,000: *Provided*, That of the
20 total amount appropriated, not to exceed \$6,000 shall be
21 available for official reception and representation ex-
22 penses: *Provided further*, That not to exceed \$25,000,000
23 shall remain available until expended: *Provided further*,
24 That of the amount provided under this heading, not less
25 than \$38,460,000 shall be used for salaries and expenses

1 for assistant U.S. Attorneys to carry out section 704 of
2 the Adam Walsh Child Protection and Safety Act of 2006
3 (Public Law 109–248) concerning the prosecution of of-
4 fenses relating to the sexual exploitation of children: *Pro-*
5 *vided further*, That of the amount provided under this
6 heading, not less than \$31,965,000 is for prosecutions of
7 serious crimes in Indian Country.

8 UNITED STATES TRUSTEE SYSTEM FUND

9 For necessary expenses of the United States Trustee
10 Program, as authorized, \$236,435,000, to remain avail-
11 able until expended and to be derived from the United
12 States Trustee System Fund: *Provided*, That notwith-
13 standing any other provision of law, deposits to the Fund
14 shall be available in such amounts as may be necessary
15 to pay refunds due depositors: *Provided further*, That, not-
16 withstanding any other provision of law, \$231,435,000 of
17 offsetting collections pursuant to 28 U.S.C. 589a(b) shall
18 be retained and used for necessary expenses in this appro-
19 priation and shall remain available until expended: *Pro-*
20 *vided further*, That the sum herein appropriated from the
21 Fund shall be reduced as such offsetting collections are
22 received during fiscal year 2011, so as to result in a final
23 fiscal year 2011 appropriation from the Fund estimated
24 at \$0.

1 SALARIES AND EXPENSES, FOREIGN CLAIMS
2 SETTLEMENT COMMISSION

3 For expenses necessary to carry out the activities of
4 the Foreign Claims Settlement Commission, including
5 services as authorized by section 3109 of title 5, United
6 States Code, \$2,159,000.

7 FEES AND EXPENSES OF WITNESSES

8 For fees and expenses of witnesses, for expenses of
9 contracts for the procurement and supervision of expert
10 witnesses, for private counsel expenses, including ad-
11 vances, and for expenses of foreign counsel, \$270,000,000,
12 to remain available until expended: *Provided*, That not to
13 exceed \$10,000,000 may be made available for construc-
14 tion of buildings for protected witness safesites: *Provided*
15 *further*, That not to exceed \$3,000,000 may be made avail-
16 able for the purchase and maintenance of armored and
17 other vehicles for witness security caravans: *Provided fur-*
18 *ther*, That not to exceed \$11,000,000 may be made avail-
19 able for the purchase, installation, maintenance, and up-
20 grade of secure telecommunications equipment and a se-
21 cure automated information network to store and retrieve
22 the identities and locations of protected witnesses.

1 SALARIES AND EXPENSES, COMMUNITY RELATIONS

2 SERVICE

3 For necessary expenses of the Community Relations
4 Service, \$12,606,000: *Provided*, That notwithstanding sec-
5 tion 205 of this Act, upon a determination by the Attorney
6 General that emergent circumstances require additional
7 funding for conflict resolution and violence prevention ac-
8 tivities of the Community Relations Service, the Attorney
9 General may transfer such amounts to the Community Re-
10 lations Service, from available appropriations for the cur-
11 rent fiscal year for the Department of Justice, as may be
12 necessary to respond to such circumstances: *Provided fur-*
13 *ther*, That any transfer pursuant to the preceding proviso
14 shall be treated as a reprogramming under section 505
15 of this Act and shall not be available for obligation or ex-
16 penditure except in compliance with the procedures set
17 forth in that section.

18 ASSETS FORFEITURE FUND

19 For expenses authorized by 28 U.S.C. 524(c)(1)(B),
20 (F), and (G), \$20,990,000, to be derived from the Depart-
21 ment of Justice Assets Forfeiture Fund.

22 UNITED STATES MARSHALS SERVICE

23 SALARIES AND EXPENSES

24 For necessary expenses of the United States Mar-
25 shals Service, \$1,180,534,000; of which not to exceed

1 \$6,000 shall be available for official reception and rep-
2 resentation expenses; and of which not to exceed
3 \$10,000,000 shall remain available until expended for in-
4 formation technology systems.

5 CONSTRUCTION

6 For construction in space controlled, occupied or uti-
7 lized by the United States Marshals Service for prisoner
8 holding and related support, \$26,625,000, to remain avail-
9 able until expended; of which not less than \$12,625,000
10 shall be available for the costs of courthouse security
11 equipment, including furnishings, relocations, and tele-
12 phone systems and cabling.

13 NATIONAL SECURITY DIVISION

14 SALARIES AND EXPENSES

15 For expenses necessary to carry out the activities of
16 the National Security Division, \$99,537,000; of which not
17 to exceed \$5,000,000 for information technology systems
18 shall remain available until expended: *Provided*, That not-
19 withstanding section 205 of this Act, upon a determina-
20 tion by the Attorney General that emergent circumstances
21 require additional funding for the activities of the National
22 Security Division, the Attorney General may transfer such
23 amounts to this heading from available appropriations for
24 the current fiscal year for the Department of Justice, as
25 may be necessary to respond to such circumstances: *Pro-*

1 *vided further*, That any transfer pursuant to the preceding
2 proviso shall be treated as a reprogramming under section
3 505 of this Act and shall not be available for obligation
4 or expenditure except in compliance with the procedures
5 set forth in that section.

6 INTERAGENCY LAW ENFORCEMENT

7 INTERAGENCY CRIME AND DRUG ENFORCEMENT

8 For necessary expenses for the identification, inves-
9 tigation, and prosecution of individuals associated with the
10 most significant drug trafficking and affiliated money
11 laundering organizations not otherwise provided for, to in-
12 clude inter-governmental agreements with State and local
13 law enforcement agencies engaged in the investigation and
14 prosecution of individuals involved in organized crime drug
15 trafficking, \$574,319,000, of which \$50,000,000 shall re-
16 main available until expended: *Provided*, That any
17 amounts obligated from appropriations under this heading
18 may be used under authorities available to the organiza-
19 tions reimbursed from this appropriation.

20 FEDERAL BUREAU OF INVESTIGATION

21 SALARIES AND EXPENSES

22 For necessary expenses of the Federal Bureau of In-
23 vestigation for detection, investigation, and prosecution of
24 crimes against the United States, \$8,089,597,000, of
25 which not to exceed \$150,000,000 shall remain available

1 until expended: *Provided*, That not to exceed \$153,750
2 shall be available for official reception and representation
3 expenses: *Provided further*, That of the amount provided
4 under this heading, not less than \$42,752,000 is for the
5 investigation of serious crimes in Indian Country.

6 CONSTRUCTION

7 For necessary expenses, to include the cost of equip-
8 ment, furniture, and information technology requirements,
9 related to construction or acquisition of buildings, facili-
10 ties and sites by purchase, or as otherwise authorized by
11 law; conversion, modification and extension of federally
12 owned buildings; preliminary planning and design of
13 projects; and operation and maintenance of secure work
14 environment facilities and secure networking capabilities;
15 \$130,589,000, to remain available until expended.

16 DRUG ENFORCEMENT ADMINISTRATION

17 SALARIES AND EXPENSES

18 For necessary expenses of the Drug Enforcement Ad-
19 ministration, including not to exceed \$70,000 to meet un-
20 foreseen emergencies of a confidential character pursuant
21 to 28 U.S.C. 530C; and expenses for conducting drug edu-
22 cation and training programs, including travel and related
23 expenses for participants in such programs and the dis-
24 tribution of items of token value that promote the goals
25 of such programs, \$2,088,176,000; of which not to exceed

1 \$75,000,000 shall remain available until expended; and of
2 which not to exceed \$75,000 shall be available for official
3 reception and representation expenses.

4 CONSTRUCTION

5 For necessary expenses, to include the cost of equip-
6 ment, furniture, and information technology requirements,
7 related to construction or acquisition of buildings; and op-
8 eration and maintenance of secure work environment fa-
9 cilities and secure networking capabilities; \$41,941,000, to
10 remain available until expended.

11 BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND

12 EXPLOSIVES

13 SALARIES AND EXPENSES

14 For necessary expenses of the Bureau of Alcohol, To-
15 bacco, Firearms and Explosives, not to exceed \$30,000 for
16 official reception and representation expenses; for training
17 of State and local law enforcement agencies with or with-
18 out reimbursement, including training in connection with
19 the training and acquisition of canines for explosives and
20 fire accelerants detection; and for provision of laboratory
21 assistance to State and local law enforcement agencies,
22 with or without reimbursement, \$1,162,986,000, of which
23 not to exceed \$1,000,000 shall be available for the pay-
24 ment of attorneys' fees as provided by section 924(d)(2)
25 of title 18, United States Code; and of which not to exceed

1 \$20,000,000 shall remain available until expended: *Pro-*
2 *vided*, That no funds appropriated herein shall be available
3 for salaries or administrative expenses in connection with
4 consolidating or centralizing, within the Department of
5 Justice, the records, or any portion thereof, of acquisition
6 and disposition of firearms maintained by Federal fire-
7 arms licensees: *Provided further*, That no funds appro-
8 priated herein shall be used to pay administrative expenses
9 or the compensation of any officer or employee of the
10 United States to implement an amendment or amend-
11 ments to 27 CFR 478.118 or to change the definition of
12 “Curios or relics” in 27 CFR 478.11 or remove any item
13 from ATF Publication 5300.11 as it existed on January
14 1, 1994: *Provided further*, That none of the funds appro-
15 priated herein shall be available to investigate or act upon
16 applications for relief from Federal firearms disabilities
17 under 18 U.S.C. 925(c): *Provided further*, That such funds
18 shall be available to investigate and act upon applications
19 filed by corporations for relief from Federal firearms dis-
20 abilities under section 925(c) of title 18, United States
21 Code: *Provided further*, That no funds made available by
22 this or any other Act may be used to transfer the func-
23 tions, missions, or activities of the Bureau of Alcohol, To-
24 bacco, Firearms and Explosives to other agencies or De-
25 partments in fiscal year 2011: *Provided further*, That, be-

1 ginning in fiscal year 2011 and thereafter, no funds ap-
2 propriated under this or any other Act may be used to
3 disclose part or all of the contents of the Firearms Trace
4 System database maintained by the National Trace Center
5 of the Bureau of Alcohol, Tobacco, Firearms and Explo-
6 sives or any information required to be kept by licensees
7 pursuant to section 923(g) of title 18, United States Code,
8 or required to be reported pursuant to paragraphs (3) and
9 (7) of such section 923(g), except to: (1) a Federal, State,
10 local, or tribal law enforcement agency, or a Federal,
11 State, or local prosecutor; or (2) a foreign law enforcement
12 agency solely in connection with or for use in a criminal
13 investigation or prosecution; or (3) a Federal agency for
14 a national security or intelligence purpose; unless such dis-
15 closure of such data to any of the entities described in
16 (1), (2) or (3) of this proviso would compromise the iden-
17 tity of any undercover law enforcement officer or confiden-
18 tial informant, or interfere with any case under investiga-
19 tion; and no person or entity described in (1), (2) or (3)
20 shall knowingly and publicly disclose such data; and all
21 such data shall be immune from legal process, shall not
22 be subject to subpoena or other discovery, shall be inad-
23 missible in evidence, and shall not be used, relied on, or
24 disclosed in any manner, nor shall testimony or other evi-
25 dence be permitted based on the data, in a civil action

1 in any State (including the District of Columbia) or Fed-
2 eral court or in an administrative proceeding other than
3 a proceeding commenced by the Bureau of Alcohol, To-
4 bacco, Firearms and Explosives to enforce the provisions
5 of chapter 44 of such title, or a review of such an action
6 or proceeding; except that this proviso shall not be con-
7 strued to prevent: (A) the disclosure of statistical informa-
8 tion concerning total production, importation, and expor-
9 tation by each licensed importer (as defined in section
10 921(a)(9) of such title) and licensed manufacturer (as de-
11 fined in section 921(a)(10) of such title); (B) the sharing
12 or exchange of such information among and between Fed-
13 eral, State, local, or foreign law enforcement agencies,
14 Federal, State, or local prosecutors, and Federal national
15 security, intelligence, or counterterrorism officials; or (C)
16 the publication of annual statistical reports on products
17 regulated by the Bureau of Alcohol, Tobacco, Firearms
18 and Explosives, including total production, importation,
19 and exportation by each licensed importer (as so defined)
20 and licensed manufacturer (as so defined), or statistical
21 aggregate data regarding firearms traffickers and traf-
22 ficking channels, or firearms misuse, felons, and traf-
23 ficking investigations: *Provided further*, That no funds
24 made available by this or any other Act shall be expended
25 to promulgate or implement any rule requiring a physical

1 inventory of any business licensed under section 923 of
2 title 18, United States Code: *Provided further*, That no
3 funds under this Act may be used to electronically retrieve
4 information gathered pursuant to 18 U.S.C. 923(g)(4) by
5 name or any personal identification code: *Provided further*,
6 That no funds authorized or made available under this or
7 any other Act may be used to deny any application for
8 a license under section 923 of title 18, United States Code,
9 or renewal of such a license due to a lack of business activ-
10 ity, provided that the applicant is otherwise eligible to re-
11 ceive such a license, and is eligible to report business in-
12 come or to claim an income tax deduction for business ex-
13 penses under the Internal Revenue Code of 1986.

14 FEDERAL PRISON SYSTEM

15 SALARIES AND EXPENSES

16 For necessary expenses of the Federal Prison System
17 for the administration, operation, and maintenance of
18 Federal penal and correctional institutions, including pur-
19 chase (not to exceed 591, of which 559 are for replacement
20 only) and hire of law enforcement and passenger motor
21 vehicles, and for the provision of technical assistance and
22 advice on corrections related issues to foreign govern-
23 ments, \$6,553,779,000: *Provided*, That the Attorney Gen-
24 eral may transfer to the Health Resources and Services
25 Administration such amounts as may be necessary for di-

1 rect expenditures by that Administration for medical relief
2 for inmates of Federal penal and correctional institutions:
3 *Provided further*, That the Director of the Federal Prison
4 System, where necessary, may enter into contracts with
5 a fiscal agent or fiscal intermediary claims processor to
6 determine the amounts payable to persons who, on behalf
7 of the Federal Prison System, furnish health services to
8 individuals committed to the custody of the Federal Prison
9 System: *Provided further*, That not to exceed \$4,500 shall
10 be available for official reception and representation ex-
11 penses: *Provided further*, That not to exceed \$50,000,000
12 shall remain available for necessary operations until Sep-
13 tember 30, 2012: *Provided further*, That, of the amounts
14 provided for contract confinement, not to exceed
15 \$20,000,000 shall remain available until expended to
16 make payments in advance for grants, contracts and reim-
17 bursable agreements, and other expenses authorized by
18 section 501(c) of the Refugee Education Assistance Act
19 of 1980 (8 U.S.C. 1522 note), for the care and security
20 in the United States of Cuban and Haitian entrants: *Pro-*
21 *vided further*, That the Director of the Federal Prison Sys-
22 tem may accept donated property and services relating to
23 the operation of the prison card program from a not-for-
24 profit entity which has operated such program in the past
25 notwithstanding the fact that such not-for-profit entity

1 furnishes services under contracts to the Federal Prison
2 System relating to the operation of pre-release services,
3 halfway houses, or other custodial facilities.

4 BUILDINGS AND FACILITIES

5 For planning, acquisition of sites and construction of
6 new facilities; purchase and acquisition of facilities and re-
7 modeling, and equipping of such facilities for penal and
8 correctional use, including all necessary expenses incident
9 thereto, by contract or force account; and constructing,
10 remodeling, and equipping necessary buildings and facili-
11 ties at existing penal and correctional institutions, includ-
12 ing all necessary expenses incident thereto, by contract or
13 force account, \$269,733,000, to remain available until ex-
14 pended, of which \$75,000,000 shall be derived from avail-
15 able unobligated balances previously appropriated under
16 this heading, and of which not to exceed \$14,000,000 shall
17 be available to construct areas for inmate work programs:
18 *Provided*, That labor of United States prisoners may be
19 used for work performed under this appropriation: *Pro-*
20 *vided further*, That none of the funds provided under this
21 heading in this or any prior Act shall be available for the
22 acquisition of any facility that is to be used wholly or in
23 part for the incarceration or detention of any individual
24 detained at Naval Station, Guantanamo Bay, Cuba, as of
25 June 24, 2009.

1 FEDERAL PRISON INDUSTRIES, INCORPORATED

2 The Federal Prison Industries, Incorporated, is here-
3 by authorized to make such expenditures, within the limits
4 of funds and borrowing authority available, and in accord
5 with the law, and to make such contracts and commit-
6 ments, without regard to fiscal year limitations as pro-
7 vided by section 9104 of title 31, United States Code, as
8 may be necessary in carrying out the program set forth
9 in the budget for the current fiscal year for such corpora-
10 tion, including purchase (not to exceed five for replace-
11 ment only) and hire of passenger motor vehicles.

12 LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL
13 PRISON INDUSTRIES, INCORPORATED

14 Not to exceed \$2,700,000 of the funds of the Federal
15 Prison Industries, Incorporated shall be available for its
16 administrative expenses, and for services as authorized by
17 section 3109 of title 5, United States Code, to be com-
18 puted on an accrual basis to be determined in accordance
19 with the corporation's current prescribed accounting sys-
20 tem, and such amounts shall be exclusive of depreciation,
21 payment of claims, and expenditures which such account-
22 ing system requires to be capitalized or charged to cost
23 of commodities acquired or produced, including selling and
24 shipping expenses, and expenses in connection with acqui-
25 sition, construction, operation, maintenance, improvement,

1 protection, or disposition of facilities and other property
2 belonging to the corporation or in which it has an interest.

3 STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

4 OFFICE ON VIOLENCE AGAINST WOMEN

5 VIOLENCE AGAINST WOMEN PREVENTION AND

6 PROSECUTION PROGRAMS

7 (INCLUDING TRANSFER OF FUNDS)

8 For grants, contracts, cooperative agreements, and
9 other assistance for the prevention and prosecution of vio-
10 lence against women, as authorized by the Omnibus Crime
11 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
12 et seq.) (“the 1968 Act”); the Violent Crime Control and
13 Law Enforcement Act of 1994 (Public Law 103–322)
14 (“the 1994 Act”); the Victims of Child Abuse Act of 1990
15 (Public Law 101–647) (“the 1990 Act”); the Prosecu-
16 torial Remedies and Other Tools to end the Exploitation
17 of Children Today Act of 2003 (Public Law 108–21); the
18 Juvenile Justice and Delinquency Prevention Act of 1974
19 (42 U.S.C. 5601 et seq.) (“the 1974 Act”); the Victims
20 of Trafficking and Violence Protection Act of 2000 (Public
21 Law 106–386) (“the 2000 Act”); and the Violence
22 Against Women and Department of Justice Reauthoriza-
23 tion Act of 2005 (Public Law 109–162) (“the 2005 Act”);
24 and for related victims services, \$448,500,000, to remain
25 available until expended: *Provided*, That except as other-

1 wise provided by law, not to exceed 3 percent of funds
2 made available under this heading may be used for ex-
3 penses related to evaluation, training, and technical assist-
4 ance: *Provided further*, That of the amount provided
5 (which shall be by transfer for programs administered by
6 the Office of Justice Programs)—

7 (1) \$198,000,000 is for grants to combat vio-
8 lence against women, as authorized by part T of the
9 1968 Act;

10 (2) \$30,000,000 is for transitional housing as-
11 sistance grants for victims of domestic violence,
12 stalking or sexual assault as authorized by section
13 40299 of the 1994 Act;

14 (3) \$3,000,000 is for the National Institute of
15 Justice for research and evaluation of violence
16 against women and related issues addressed by
17 grant programs of the Office on Violence Against
18 Women;

19 (4) \$45,000,000 is for grants to encourage ar-
20 rest policies as authorized by part U of the 1968
21 Act;

22 (5) \$30,000,000 is for sexual assault victims
23 assistance, as authorized by section 41601 of the
24 1994 Act;

1 (6) \$37,000,000 is for rural domestic violence
2 and child abuse enforcement assistance grants, as
3 authorized by section 40295 of the 1994 Act;

4 (7) \$9,500,000 is for grants to reduce violent
5 crimes against women on campus, as authorized by
6 section 304 of the 2005 Act;

7 (8) \$50,000,000 is for legal assistance for vic-
8 tims, as authorized by section 1201 of the 2000 Act;

9 (9) \$4,250,000 is for enhanced training and
10 services to end violence against and abuse of women
11 in later life, as authorized by section 40802 of the
12 1994 Act;

13 (10) \$14,000,000 is for the safe havens for
14 children program, as authorized by section 1301 of
15 the 2000 Act;

16 (11) \$6,750,000 is for education and training
17 to end violence against and abuse of women with
18 disabilities, as authorized by section 1402 of the
19 2000 Act;

20 (12) \$3,000,000 is for an engaging men and
21 youth in prevention program, as authorized by sec-
22 tion 41305 of the 1994 Act;

23 (13) \$1,000,000 is for tracking of violence
24 against Indian women, as authorized by section 905
25 of the 2005 Act and consistent with title I of the

1 Adam Walsh Child Protection and Safety Act of
2 2006;

3 (14) \$3,500,000 is for services to advocate and
4 respond to youth, as authorized by section 41201 of
5 the 1994 Act;

6 (15) \$3,000,000 is for grants to assist children
7 and youth exposed to violence, as authorized by sec-
8 tion 41303 of the 1994 Act;

9 (16) \$3,000,000 is for the court training and
10 improvements program, as authorized by section
11 41002 of the 1994 Act;

12 (17) \$1,000,000 is for the National Resource
13 Center on Workplace Responses to assist victims of
14 domestic violence, as authorized by section 41501 of
15 the 1994 Act;

16 (18) \$2,500,000 is for the Supporting Teens
17 through Education and Protection program, as au-
18 thorized by section 41204 of the 1994 Act;

19 (19) \$3,000,000 is for analysis and research on
20 violence against Indian women, including as author-
21 ized by section 904 of the 2005 Act;

22 (20) \$500,000 is for the Office on Violence
23 Against Women to establish a national clearinghouse
24 that provides training and technical assistance on

1 issues relating to sexual assault of American Indian
2 and Alaska Native women; and

3 (21) \$500,000 is for the Office on Violence
4 Against Women to sponsor regional summits on vio-
5 lence against women in Indian country for Depart-
6 ment of Justice representatives, local tribal advo-
7 cates, law enforcement, and judges.

8 SALARIES AND EXPENSES

9 For necessary expenses, not elsewhere specified in
10 this title, for management and administration of programs
11 within the Office on Violence Against Women,
12 \$17,800,000.

13 OFFICE OF JUSTICE PROGRAMS

14 RESEARCH, EVALUATION AND STATISTICS

15 (INCLUDING TRANSFER OF FUNDS)

16 For grants, contracts, cooperative agreements, and
17 other assistance authorized by title I of the Omnibus
18 Crime Control and Safe Streets Act of 1968 (“the 1968
19 Act”); the Violent Crime Control and Law Enforcement
20 Act of 1994 (“the 1994 Act”); the Juvenile Justice and
21 Delinquency Prevention Act of 1974 (“the 1974 Act”); the
22 Missing Children’s Assistance Act (42 U.S.C. 5771 et
23 seq.); the Prosecutorial Remedies and Other Tools to end
24 the Exploitation of Children Today Act of 2003 (Public
25 Law 108–21); the Justice for All Act of 2004 (Public Law

1 108–405); the Violence Against Women and Department
2 of Justice Reauthorization Act of 2005 (Public Law 109–
3 162) (“the 2005 Act”); the Victims of Child Abuse Act
4 of 1990 (Public Law 101–647); the Second Chance Act
5 of 2007 (Public Law 110–199); the Victims of Crime Act
6 of 1984 (Public Law 98–473); the Victims of Trafficking
7 and Violence Protection Act of 2000 (Public Law 106–
8 386); the Adam Walsh Child Protection and Safety Act
9 of 2006 (Public Law 109–248); the NICS Improvement
10 Amendments Act of 2007 (Public Law 110–180); the
11 PROTECT Our Children Act of 2008 (Public Law 110–
12 401); subtitle D of title II of the Homeland Security Act
13 of 2002 (Public Law 107–296) (“the 2002 Act”); and
14 other programs, \$340,000,000, to remain available until
15 expended, of which—

16 (1) \$60,000,000 is for criminal justice statistics
17 programs, and other activities, as authorized by part
18 C of title I of the 1968 Act, of which \$41,000,000
19 is for the administration and redesign of the Na-
20 tional Crime Victimization Survey;

21 (2) \$60,000,000 is for research, development,
22 and evaluation programs, and other activities as au-
23 thorized by part B of title I of the 1968 Act and
24 subtitle D of title II of the 2002 Act: *Provided*, That
25 of the amounts provided under this heading,

1 \$5,000,000 is transferred directly to the National
2 Institute of Standards and Technology's Office of
3 Law Enforcement Standards from the National In-
4 stitute of Justice for research, testing and evaluation
5 programs;

6 (3) \$1,000,000 is for an evaluation clearing-
7 house program;

8 (4) \$15,000,000 is for grants to assist State
9 and tribal governments as authorized by the NICS
10 Improvement Amendments Act of 2007 (Public Law
11 110–180);

12 (5) \$10,000,000 is for the National Criminal
13 History Improvement Program for grants to up-
14 grade criminal records;

15 (6) \$30,000,000 is for Paul Coverdell Forensic
16 Sciences Improvement Grants under part BB of title
17 I of the 1968 Act;

18 (7) \$3,000,000 is for grants to improve the
19 stalking and domestic violence database, as author-
20 ized by section 40602 of the 1994 Act; and

21 (8) \$161,000,000 is for DNA-related and foren-
22 sic programs and activities, of which—

23 (A) \$151,000,000 is for a DNA analysis
24 and capacity enhancement program and for
25 other local, State, and Federal forensic activi-

1 ties including the purposes of section 2 of the
2 DNA Analysis Backlog Elimination Act of 2000
3 (the Debbie Smith DNA Backlog Grant Pro-
4 gram);

5 (B) \$5,000,000 is for the purposes de-
6 scribed in the Kirk Bloodsworth Post-Convic-
7 tion DNA Testing Program (Public Law 108-
8 405, section 412); and

9 (C) \$5,000,000 is for Sexual Assault Fo-
10 rensic Exam Program Grants as authorized by
11 section 304 of Public Law 108-405.

12 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

13 (INCLUDING TRANSFER OF FUNDS)

14 For grants, contracts, cooperative agreements, and
15 other assistance authorized by the Violent Crime Control
16 and Law Enforcement Act of 1994 (Public Law 103-322)
17 (“the 1994 Act”); the Omnibus Crime Control and Safe
18 Streets Act of 1968 (“the 1968 Act”); the Justice for All
19 Act of 2004 (Public Law 108-405); the Victims of Child
20 Abuse Act of 1990 (Public Law 101-647) (“the 1990
21 Act”); the Trafficking Victims Protection Reauthorization
22 Act of 2005 (Public Law 109-164); the Violence Against
23 Women and Department of Justice Reauthorization Act
24 of 2005 (Public Law 109-162) (“the 2005 Act”); the
25 Adam Walsh Child Protection and Safety Act of 2006

1 (Public Law 109–248) (“the Adam Walsh Act”); the Vic-
2 tims of Trafficking and Violence Protection Act of 2000
3 (Public Law 106–386); subtitle D of title II of the Home-
4 land Security Act of 2002 (Public Law 107–296) (“the
5 2002 Act”); the Second Chance Act of 2007 (Public Law
6 110–199); the Prioritizing Resources and Organization for
7 Intellectual Property Act of 2008 (Public Law 110–403);
8 the Victims of Crime Act of 1984 (Public Law 98–473);
9 and other programs (including the Statewide Automated
10 Victim Notification program of the Bureau of Justice As-
11 sistance), \$1,651,780,000, to remain available until ex-
12 pended as follows—

13 (1) \$519,000,000 for the Edward Byrne Memo-
14 rial Justice Assistance Grant program as authorized
15 by subpart 1 of part E of title I of the 1968 Act
16 (except that section 1001(c), and the special rules
17 for Puerto Rico under section 505(g), of title I of
18 the 1968 Act shall not apply for purposes of this
19 Act), of which \$5,000,000 is for use by the National
20 Institute of Justice in assisting units of local govern-
21 ment to identify, select, develop, modernize, and pur-
22 chase new technologies for use by law enforcement,
23 \$2,000,000 is for a program to improve State and
24 local law enforcement intelligence capabilities includ-
25 ing antiterrorism training and training to ensure

1 that constitutional rights, civil liberties, civil rights,
2 and privacy interests are protected throughout the
3 intelligence process, \$6,000,000 is for a State and
4 local assistance help desk and diagnostic center pro-
5 gram, and \$7,000,000 is for necessary expenses to
6 carry out the activities of the National Criminal Jus-
7 tice Commission, as authorized by section 542 of
8 this Act;

9 (2) \$300,000,000 for the State Criminal Alien
10 Assistance Program, as authorized by section
11 241(i)(5) of the Immigration and Nationality Act (8
12 U.S.C. 1231(i)(5)): *Provided*, That no jurisdiction
13 shall request compensation for any cost greater than
14 the actual cost for Federal immigration and other
15 detainees housed in State and local detention facili-
16 ties;

17 (3) \$20,000,000 for the Southwest Border
18 Prosecutor Initiative to reimburse State, county,
19 parish, tribal, or municipal governments for costs as-
20 sociated with the prosecution of criminal cases de-
21 clined by local offices of the United States Attor-
22 neys;

23 (4) \$199,780,000 for discretionary grants to
24 improve the functioning of the criminal justice sys-
25 tem, to prevent or combat juvenile delinquency, and

1 to assist victims of crime (other than compensation),
2 which shall be used for the projects, and in the
3 amounts, as specified in the explanatory statement
4 described in section 4 (in the matter preceding divi-
5 sion A of this consolidated Act);

6 (5) \$35,000,000 for competitive grants to im-
7 prove the functioning of the criminal justice system,
8 to prevent or combat juvenile delinquency, and to as-
9 sist victims of crime (other than compensation);

10 (6) \$2,000,000 for the purposes described in
11 the Missing Alzheimer's Disease Patient Alert Pro-
12 gram (section 240001 of the 1994 Act);

13 (7) \$15,000,000 for victim services programs
14 for victims of trafficking, as authorized by section
15 107(b)(2) of Public Law 106-386 and for programs
16 authorized under Public Law 109-164: *Provided*,
17 That no less than \$6,700,000 shall be for victim
18 services grants for foreign national victims of traf-
19 ficking;

20 (8) \$50,000,000 for Drug Courts, as authorized
21 by section 1001(25)(A) of title I of the 1968 Act;

22 (9) \$10,000,000 for prison rape prevention and
23 prosecution and other programs, as authorized by
24 the Prison Rape Elimination Act of 2003 (Public
25 Law 108-79);

1 (10) \$25,000,000 for grants for Residential
2 Substance Abuse Treatment for State Prisoners, as
3 authorized by part S of title I of the 1968 Act;

4 (11) \$12,500,000 for the Capital Litigation Im-
5 provement Grant Program, as authorized by section
6 426 of Public Law 108–405, and for grants for
7 wrongful conviction review;

8 (12) \$12,000,000 for mental health courts and
9 adult and juvenile collaboration program grants, as
10 authorized by parts V and HH of title I of the 1968
11 Act, and the Mentally Ill Offender Treatment and
12 Crime Reduction Reauthorization and Improvement
13 Act of 2008 (Public Law 110–416);

14 (13) \$100,000,000 for assistance to Indian
15 tribes: *Provided*, That section 20109(a), in subtitle
16 A of title II of the 1994 Act, shall not apply to
17 amounts appropriated in this or any other Act;

18 (14) \$23,000,000 for grants to prevent, inves-
19 tigate, prosecute, and otherwise combat economic,
20 high technology and Internet crime, including as au-
21 thorized by section 401 of Public Law 110–403;

22 (15) \$3,500,000 for training programs as au-
23 thorized by section 40152 of the 1994 Act, and for
24 related local demonstration projects;

1 (16) \$100,000,000 for offender reentry pro-
2 grams and research, as authorized by the Second
3 Chance Act of 2007 (Public Law 110–199);

4 (17) \$20,000,000 for activities related to com-
5 prehensive criminal justice reform and recidivism re-
6 duction efforts;

7 (18) \$10,000,000 for a student loan repayment
8 assistance program pursuant to section 952 of Pub-
9 lic Law 110–315;

10 (19) \$5,000,000 for the Northern Border Pros-
11 ecutor Initiative to reimburse State, county, parish,
12 tribal, or municipal governments for the costs associ-
13 ated with the prosecution of criminal cases declined
14 by local offices of the United States Attorneys;

15 (20) \$5,000,000 for an initiative to assist and
16 support evidence-based policing;

17 (21) \$3,000,000 for technical and other tar-
18 geted assistance to improve the functioning of the
19 criminal justice system;

20 (22) \$5,000,000 for a justice information-shar-
21 ing and technology program;

22 (23) \$20,000,000 for activities authorized by
23 the Adam Walsh Act;

24 (24) \$25,000,000 for an initiative relating to
25 children exposed to violence;

1 (25) \$30,000,000 for an Edward Byrne Memo-
2 rial criminal justice innovation program;

3 (26) \$5,000,000 for sex offender management
4 assistance as authorized by the Adam Walsh Act
5 and the Violent Crime Control Act of 1994 (Public
6 Law 103–322);

7 (27) \$25,000,000 for the matching grant pro-
8 gram for law enforcement armor vests, as authorized
9 by section 2501 of title I of the 1968 Act: *Provided,*
10 That \$1,500,000 is transferred directly to the Na-
11 tional Institute of Standards and Technology’s Of-
12 fice of Law Enforcement Standards for research,
13 testing and evaluation programs;

14 (28) \$1,000,000 for the National Sex Offender
15 Public Website;

16 (29) \$10,000,000 for the Statewide Victim No-
17 tification System program of the Bureau of Justice
18 Assistance;

19 (30) \$40,000,000 for regional information shar-
20 ing activities, as authorized by part M of title I of
21 the 1968 Act;

22 (31) \$10,000,000 for a program to improve
23 State, local, and tribal probation supervision efforts
24 and strategies;

1 of 2003 (Public Law 108–21); the Victims of Child Abuse
2 Act of 1990 (Public Law 101–647) (“the 1990 Act”); the
3 Adam Walsh Child Protection and Safety Act of 2006
4 (Public Law 109–248); the PROTECT Our Children Act
5 of 2008 (Public Law 110–401); and other juvenile justice
6 programs, \$506,040,000, to remain available until ex-
7 pended as follows—

8 (1) \$72,000,000 for programs authorized by
9 section 221 of the 1974 Act, and for training and
10 technical assistance to assist small, nonprofit organi-
11 zations with the Federal grants process;

12 (2) \$73,240,000 for grants and projects, as au-
13 thorized by sections 261 and 262 of the 1974 Act,
14 which shall be used for the projects, and in the
15 amounts, as specified in the explanatory statement
16 described in section 4 (in the matter preceding divi-
17 sion A of this consolidated Act);

18 (3) \$100,000,000 for youth mentoring grants;

19 (4) \$80,000,000 for delinquency prevention, as
20 authorized by section 505 of the 1974 Act, of which,
21 pursuant to sections 261 and 262 thereof—

22 (A) \$40,000,000 shall be for the Tribal
23 Youth Program;

1 (B) \$15,000,000 shall be for gang and
2 youth violence education and prevention and re-
3 lated activities; and

4 (C) \$25,000,000 shall be for grants of
5 \$360,000 to each State and \$4,840,000 shall be
6 available for discretionary grants, for programs
7 and activities to enforce State laws prohibiting
8 the sale of alcoholic beverages to minors or the
9 purchase or consumption of alcoholic beverages
10 by minors, for prevention and reduction of con-
11 sumption of alcoholic beverages by minors, and
12 for technical assistance and training;

13 (5) \$22,500,000 for programs authorized by
14 the Victims of Child Abuse Act of 1990;

15 (6) \$45,000,000 for the Juvenile Accountability
16 Block Grants program as authorized by part R of
17 title I of the 1968 Act and Guam shall be considered
18 a State;

19 (7) \$20,000,000 for community-based violence
20 prevention initiatives;

21 (8) \$5,000,000 for a juvenile delinquency court
22 improvement program;

23 (9) \$15,000,000 for the court-appointed special
24 advocate program, as authorized by section 217 of
25 the 1990 Act;

1 (10) \$2,500,000 for child abuse training pro-
2 grams for judicial personnel and practitioners, as
3 authorized by section 222 of the 1990 Act;

4 (11) \$70,000,000 for missing and exploited
5 children programs, including as authorized by sec-
6 tions 404(b) and 405(a) of the 1974 Act; and

7 (12) \$800,000 for a disproportionate minority
8 contact evaluation and pilot program:

9 *Provided*, That not more than 10 percent of each amount
10 may be used for research, evaluation, and statistics activi-
11 ties designed to benefit the programs or activities author-
12 ized: *Provided further*, That not more than 2 percent of
13 each amount may be used for training and technical as-
14 sistance: *Provided further*, That the previous two provisos
15 shall not apply to grants and projects authorized by sec-
16 tions 261 and 262 of the 1974 Act, or by sections 217
17 and 222 of the 1990 Act, or to missing and exploited chil-
18 dren programs.

19 PUBLIC SAFETY OFFICER BENEFITS

20 For payments and expenses authorized under section
21 1001(a)(4) of title I of the Omnibus Crime Control and
22 Safe Streets Act of 1968, such sums as are necessary (in-
23 cluding amounts for administrative costs, which amounts
24 shall be paid to the “Salaries and Expenses” account), to
25 remain available until expended; and in addition,

1 \$16,300,000 for payments authorized by section 1201(b)
2 of such Act and for educational assistance authorized by
3 section 1218 of such Act, to remain available until ex-
4 pended: *Provided*, That notwithstanding section 205 of
5 this Act, upon a determination by the Attorney General
6 that emergent circumstances require additional funding
7 for such disability and education payments, the Attorney
8 General may transfer such amounts to “Public Safety Of-
9 ficer Benefits” from available appropriations for the cur-
10 rent fiscal year for the Department of Justice as may be
11 necessary to respond to such circumstances: *Provided fur-*
12 *ther*, That any transfer pursuant to the previous proviso
13 shall be treated as a reprogramming under section 505
14 of this Act and shall not be available for obligation or ex-
15 penditure except in compliance with the procedures set
16 forth in that section.

17 SALARIES AND EXPENSES

18 For necessary expenses, not elsewhere specified in
19 this title, for management and administration of programs
20 within the Office of Justice Programs, \$167,500,000: *Pro-*
21 *vided*, That, notwithstanding section 109 of title I of Pub-
22 lic Law 90–351, an additional amount, not to exceed
23 \$32,500,000 shall be available for authorized activities of
24 the Office of Audit, Assessment, and Management.

1 COMMUNITY ORIENTED POLICING SERVICES
2 COMMUNITY ORIENTED POLICING SERVICES PROGRAMS
3 (INCLUDING TRANSFERS OF FUNDS)

4 For activities authorized by the Violent Crime Con-
5 trol and Law Enforcement Act of 1994 (Public Law 103–
6 322); the Omnibus Crime Control and Safe Streets Act
7 of 1968 (“the 1968 Act”); and the Violence Against
8 Women and Department of Justice Reauthorization Act
9 of 2005 (Public Law 109–162), \$542,070,000, to remain
10 available until expended: *Provided*, That any balances
11 made available through prior year deobligations shall only
12 be available in accordance with section 505 of this Act.
13 Of the amount provided:

14 (1) \$30,000,000 is for improving tribal law en-
15 forcement, including hiring, equipment, training, and
16 anti-methamphetamine activities;

17 (2) \$18,000,000 is for a national grant pro-
18 gram the purpose of which is to assist State and
19 local law enforcement to locate, arrest and prosecute
20 child sexual predators and exploiters, and to enforce
21 sex offender registration laws described in section
22 1701(b) of the 1968 Act;

23 (3) \$15,000,000 is for expenses authorized by
24 part AA of the 1968 Act (Secure our Schools);

1 (4) \$363,000,000 is for grants under section
2 1701 of title I of the 1968 Act (42 U.S.C. 3796dd)
3 for the hiring and rehiring of additional career law
4 enforcement officers under part Q of such title not-
5 withstanding subsection (i) of such section and not-
6 withstanding 42 U.S.C. 3796dd-3(c): *Provided*,
7 That subsection (g) of the 1968 Act (42 U.S.C.
8 3796dd) shall not apply with respect to funds appro-
9 priated in this Act: *Provided further*, That within the
10 amounts appropriated, \$42,000,000 shall be trans-
11 ferred to the Tribal Resources Grant Program for
12 improving tribal law enforcement: *Provided further*,
13 That within the amounts appropriated, up to
14 \$30,000,000 is available for the hiring or rehiring of
15 officers who will be assigned to Internet Crimes
16 Against Children Task Forces: *Provided further*,
17 That within the amounts appropriated, \$26,000,000
18 is for community policing development activities;

19 (5) \$17,185,000 is for grants to entities de-
20 scribed in section 1701 of title I of the 1968 Act,
21 to address public safety and methamphetamine man-
22 ufacturing, sale, and use in hot spots as authorized
23 by section 754 of Public Law 109-177, and for
24 other anti-methamphetamine-related activities: *Pro-*
25 *vided*, That within the amounts appropriated,

1 \$7,185,000 shall be used for the projects, and in the
2 amounts, as specified in the explanatory statement
3 described in section 4 (in the matter preceding divi-
4 sion A of this consolidated Act): *Provided further,*
5 That within the amounts appropriated, \$10,000,000
6 shall be transferred to the Drug Enforcement Ad-
7 ministration upon enactment of this Act; and

8 (6) \$98,885,000 is for a law enforcement tech-
9 nologies and interoperable communications program,
10 and related law enforcement and public safety equip-
11 ment: *Provided,* That within the amounts appro-
12 priated, \$97,385,000 shall be used for the projects,
13 and in the amounts, as specified in the explanatory
14 statement described in section 4 (in the matter pre-
15 ceding division A of this consolidated Act): *Provided*
16 *further,* That of the amounts provided under this
17 heading, \$1,500,000 is transferred directly to the
18 National Institute of Standards and Technology's
19 Office of Law Enforcement Standards from the
20 Community Oriented Policing Services Office for re-
21 search, testing, and evaluation programs.

22 SALARIES AND EXPENSES

23 For necessary expenses, not elsewhere specified in
24 this title, for management and administration of programs

1 within the Community Oriented Policing Services Office,
2 \$39,000,000.

3 GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

4 SEC. 201. In addition to amounts otherwise made
5 available in this title for official reception and representa-
6 tion expenses, a total of not to exceed \$56,250 from funds
7 appropriated to the Department of Justice in this title
8 shall be available to the Attorney General for official re-
9 ception and representation expenses.

10 SEC. 202. None of the funds appropriated by this
11 title shall be available to pay for an abortion, except where
12 the life of the mother would be endangered if the fetus
13 were carried to term, or in the case of rape: *Provided*,
14 That should this prohibition be declared unconstitutional
15 by a court of competent jurisdiction, this section shall be
16 null and void.

17 SEC. 203. None of the funds appropriated under this
18 title shall be used to require any person to perform, or
19 facilitate in any way the performance of, any abortion.

20 SEC. 204. Nothing in the preceding section shall re-
21 move the obligation of the Director of the Bureau of Pris-
22 ons to provide escort services necessary for a female in-
23 mate to receive such service outside the Federal facility:
24 *Provided*, That nothing in this section in any way dimin-
25 ishes the effect of section 203 intended to address the phil-

1 osophical beliefs of individual employees of the Bureau of
2 Prisons.

3 SEC. 205. Not to exceed 5 percent of any appropria-
4 tion made available for the current fiscal year for the De-
5 partment of Justice in this Act may be transferred be-
6 tween such appropriations, but no such appropriation, ex-
7 cept as otherwise specifically provided, shall be increased
8 by more than 10 percent by any such transfers: *Provided*,
9 That any transfer pursuant to this section shall be treated
10 as a reprogramming of funds under section 505 of this
11 Act and shall not be available for obligation except in com-
12 pliance with the procedures set forth in that section.

13 SEC. 206. The Attorney General is authorized to ex-
14 tend through September 30, 2012, the Personnel Manage-
15 ment Demonstration Project transferred to the Attorney
16 General pursuant to section 1115 of the Homeland Secu-
17 rity Act of 2002, Public Law 107–296 (28 U.S.C. 599B)
18 without limitation on the number of employees or the posi-
19 tions covered.

20 SEC. 207. Notwithstanding any other provision of
21 law, Public Law 102–395 section 102(b) shall extend to
22 the Bureau of Alcohol, Tobacco, Firearms and Explosives
23 in the conduct of undercover investigative operations and
24 shall apply without fiscal year limitation with respect to
25 any undercover investigative operation by the Bureau of

1 Alcohol, Tobacco, Firearms and Explosives that is nec-
2 essary for the detection and prosecution of crimes against
3 the United States.

4 SEC. 208. None of the funds made available to the
5 Department of Justice in this Act may be used for the
6 purpose of transporting an individual who is a prisoner
7 pursuant to conviction for crime under State or Federal
8 law and is classified as a maximum or high security pris-
9 oner, other than to a prison or other facility certified by
10 the Federal Bureau of Prisons as appropriately secure for
11 housing such a prisoner.

12 SEC. 209. (a) None of the funds appropriated by this
13 Act may be used by Federal prisons to purchase cable tele-
14 vision services, to rent or purchase videocassettes, video-
15 cassette recorders, or other audiovisual or electronic equip-
16 ment used primarily for recreational purposes.

17 (b) The preceding sentence does not preclude the
18 renting, maintenance, or purchase of audiovisual or elec-
19 tronic equipment for inmate training, religious, or edu-
20 cational programs.

21 SEC. 210. None of the funds made available under
22 this title shall be obligated or expended for Sentinel, or
23 for any other major new or enhanced information tech-
24 nology program having total estimated development costs
25 in excess of \$100,000,000, unless the Deputy Attorney

1 General and the investment review board certify to the
2 Committees on Appropriations that the information tech-
3 nology program has appropriate program management
4 and contractor oversight mechanisms in place, and that
5 the program is compatible with the enterprise architecture
6 of the Department of Justice.

7 SEC. 211. The notification thresholds and procedures
8 set forth in section 505 of this Act shall apply to devi-
9 ations from the amounts designated for specific activities
10 in this Act and accompanying statement, and to any re-
11 obligation, for any purpose other than that of the program
12 for which the prior obligation was made, of deobligated
13 balances of funds provided under this title in previous
14 years.

15 SEC. 212. None of the funds appropriated by this Act
16 may be used to plan for, begin, continue, finish, process,
17 or approve a public-private competition under the Office
18 of Management and Budget Circular A-76 or any suc-
19 cessor administrative regulation, directive, or policy for
20 work performed by employees of the Bureau of Prisons
21 or of Federal Prison Industries, Incorporated.

22 SEC. 213. Notwithstanding any other provision of
23 law, no funds shall be available for the salary, benefits,
24 or expenses of any United States Attorney assigned dual
25 or additional responsibilities by the Attorney General or

1 his designee that exempt that United States Attorney
2 from the residency requirements of 28 U.S.C. 545.

3 SEC. 214. At the discretion of the Attorney General,
4 and in addition to any amounts that otherwise may be
5 available (or authorized to be made available) by law, with
6 respect to funds appropriated by this Act under the head-
7 ings for “Research, Evaluation and Statistics”, “State
8 and Local Law Enforcement Assistance” (other than
9 funds specifically appropriated for discretionary grants to
10 improve the functioning of the criminal justice system, to
11 prevent or combat juvenile delinquency, and to assist vic-
12 tims of crime), and “Juvenile Justice Programs” (other
13 than funds specifically appropriated for grants and
14 projects, as authorized by sections 261 and 262 of the Ju-
15 venile Justice and Delinquency Prevention Act of 1974)—

16 (1) Up to 3 percent of funds made available for
17 grant or reimbursement programs may be used to
18 provide training and technical assistance; and

19 (2) Notwithstanding section 205 of this Act, up
20 to 3 percent of funds made available for grant or re-
21 imbursement programs under such headings, except
22 for amounts appropriated specifically for research,
23 evaluation, or statistical programs administered by
24 the National Institute of Justice and the Bureau of
25 Justice Statistics, may be transferred to and merged

1 with funds provided to the National Institute of Jus-
2 tice and the Bureau of Justice Statistics, to be used
3 by them for research, evaluation, or statistical pur-
4 poses, without regard to the authorizations for such
5 grant or reimbursement programs.

6 SEC. 215. The Attorney General may, upon request
7 by a grantee and based upon a determination of fiscal
8 hardship, waive the requirements of paragraph (1) of sec-
9 tion 2976(g) and the requirements of paragraphs (1) and
10 (2) of section 2978(e), and the requirements of section
11 2904 of title I of the Omnibus Crime Control and Safe
12 Streets Act of 1968 (42 U.S.C. 3797w(g)(1) and 42
13 U.S.C. 3797w-2(e)(1) and 42 U.S.C. 3797w-2(e)(2) and
14 42 U.S.C. 3797q-3) with respect to funds appropriated
15 in this or any other Act making appropriations for fiscal
16 years 2010 and 2011 for Adult and Juvenile Offender
17 State and Local Reentry Demonstration Projects, State,
18 Tribal and Local Reentry Courts, and the Prosecution
19 Drug Treatment Alternatives to Prison Program author-
20 ized under parts CC and FF of such title of such Act of
21 1968.

22 SEC. 216. Section 530A of title 28, United States
23 Code, is hereby amended by replacing “appropriated” with
24 “used from appropriations”, and by inserting “(2),” be-
25 fore “(3)”.

1 craft, \$5,005,600,000, to remain available until Sep-
2 tember 30, 2012: *Provided*, That of the funds provided
3 under this heading, \$15,000,000 shall be available for a
4 reimbursable agreement with the Department of Energy
5 for the re-establishment of facilities to produce fuel re-
6 quired for radioisotope thermoelectric generators to enable
7 future science missions.

8 AERONAUTICS

9 For necessary expenses, not otherwise provided for,
10 in the conduct and support of aeronautics research and
11 development activities, including research, development,
12 operations, support, and services; maintenance; space
13 flight, spacecraft control, and communications activities;
14 program management; personnel and related costs, includ-
15 ing uniforms or allowances therefor, as authorized by 5
16 U.S.C. 5901–5902; travel expenses; purchase and hire of
17 passenger motor vehicles; and purchase, lease, charter,
18 maintenance, and operation of mission and administrative
19 aircraft, \$579,600,000, to remain available until Sep-
20 tember 30, 2012.

21 SPACE RESEARCH AND TECHNOLOGY

22 For necessary expenses, not otherwise provided for,
23 in the conduct and support of space research and tech-
24 nology development activities, including research, develop-
25 ment, operations, support, and services; maintenance;

1 space flight, spacecraft control, and communications ac-
2 tivities; program management; personnel and related
3 costs, including uniforms or allowances therefor, as au-
4 thorized by 5 U.S.C. 5901–5902; travel expenses; pur-
5 chase and hire of passenger motor vehicles; and purchase,
6 lease, charter, maintenance, and operation of mission and
7 administrative aircraft, \$559,000,000, to remain available
8 until September 30, 2012.

9 EXPLORATION

10 For necessary expenses, not otherwise provided for,
11 in the conduct and support of exploration research and
12 development activities, including research, development,
13 operations, support, and services; maintenance; space
14 flight, spacecraft control, and communications activities;
15 program management, personnel and related costs, includ-
16 ing uniforms or allowances therefor, as authorized by 5
17 U.S.C. 5901–5902; travel expenses; purchase and hire of
18 passenger motor vehicles; and purchase, lease, charter,
19 maintenance, and operation of mission and administrative
20 aircraft, \$3,706,000,000, to remain available until Sep-
21 tember 30, 2012: *Provided*, That not less than
22 \$300,000,000 shall be for commercial cargo development,
23 not less than \$250,000,000 shall be for commercial crew,
24 not less than \$1,800,000,000 shall be for the heavy lift
25 launch vehicle system, and not less than \$1,200,000,000

1 shall be for the multipurpose crew vehicle: *Provided fur-*
2 *ther*, That the initial lift capability for the heavy lift launch
3 vehicle system shall be not less than 130 tons and that
4 the upper stage and other core elements shall be developed
5 simultaneously.

6 SPACE OPERATIONS

7 For necessary expenses, not otherwise provided for,
8 in the conduct and support of space operations research
9 and development activities, including research, develop-
10 ment, operations, support, and services; maintenance;
11 space flight, spacecraft control and communications activi-
12 ties; program management; personnel and related costs,
13 including uniforms or allowances therefor, as authorized
14 by 5 U.S.C. 5901–5902; travel expenses; purchase and
15 hire of passenger motor vehicles; and purchase, lease,
16 charter, maintenance and operation of mission and admin-
17 istrative aircraft, \$5,247,900,000, to remain available
18 until September 30, 2012: *Provided*, That of the amounts
19 provided under this heading, \$989,100,000 shall be for
20 Space Shuttle operations, production, research, develop-
21 ment, and support, \$2,745,000,000 shall be for Inter-
22 national Space Station operations, production, research,
23 development, and support, and \$688,800,000 shall be for
24 Space and Flight Support: *Provided further*, That should
25 the Administrator determine that the Smithsonian Institu-

1 tion is an appropriate venue for an orbiter, such orbiter
2 shall be made available to the Smithsonian at no or nomi-
3 nal cost: *Provided further*, That any funds received by Na-
4 tional Aeronautics and Space Administration (NASA) as
5 a result of the disposition of any orbiter shall be available
6 only as provided in subsequent appropriations Acts: *Pro-*
7 *vided further*, That funds made available under this head-
8 ing in excess of those specified for Space Shuttle, Inter-
9 national Space Station, and Space and Flight support may
10 be transferred to “Construction and Environmental Com-
11 pliance and Restoration” for construction activities only
12 at NASA owned facilities: *Provided further*, That funds so
13 transferred shall not be subject to section 505(a)(1) of this
14 Act or to the transfer limitations described in the Adminis-
15 trative Provisions in this Act for NASA, and shall be avail-
16 able until September 30, 2015, only after notification of
17 such transfers to the Committees on Appropriations.

18 EDUCATION

19 For necessary expenses, not otherwise provided for,
20 in carrying out aerospace and aeronautical education re-
21 search and development activities, including research, de-
22 velopment, operations, support, and services; program
23 management; personnel and related costs, uniforms or al-
24 lowances therefor, as authorized by 5 U.S.C. 5901–5902;
25 travel expenses; purchase and hire of passenger motor ve-

1 hicles; and purchase, lease, charter, maintenance, and op-
2 eration of mission and administrative aircraft,
3 \$180,000,000, to remain available until September 30,
4 2012: *Provided*, That within the amounts appropriated,
5 \$44,800,000 shall be for space grant activities: *Provided*
6 *further*, That of the funds provided for space grant activi-
7 ties, none shall be available for National Aeronautics and
8 Space Administration administrative costs: *Provided fur-*
9 *ther*, That 42 U.S.C. 2467a is amended by adding at the
10 end thereof:

11 “(d) AVAILABILITY OF FUNDS.—The interest accru-
12 ing from the National Aeronautics and Space Administra-
13 tion Endeavor Teacher Fellowship Trust Fund principal
14 shall be available in fiscal year 2011 for science, tech-
15 nology, engineering and math teacher development.”.

16 CROSS AGENCY SUPPORT

17 For necessary expenses, not otherwise provided for,
18 in the conduct and support of science, aeronautics, space
19 research and technology, exploration, space operations and
20 education research and development activities, including
21 research, development, operations, support, and services;
22 maintenance; space flight, spacecraft control, and commu-
23 nications activities; program management; personnel and
24 related costs, including uniforms or allowances therefor,
25 as authorized by 5 U.S.C. 5901–5902; travel expenses;

1 purchase and hire of passenger motor vehicles; not to ex-
2 ceed \$52,500 for official reception and representation ex-
3 penses; and purchase, lease, charter, maintenance, and op-
4 eration of mission and administrative aircraft,
5 \$3,085,700,000: *Provided*, That \$2,270,200,000 shall be
6 available for center management and operations: *Provided*
7 *further*, That not less than \$47,500,000 shall be available
8 for independent verification and validation activities: *Pro-*
9 *vided further*, That within the amounts appropriated,
10 \$56,125,000 shall be used for the projects, and in the
11 amounts, as specified in the explanatory statement de-
12 scribed in section 4 (in the matter preceding division A
13 of this consolidated Act): *Provided further*, That contracts
14 may be entered into under this heading in fiscal year 2011
15 for maintenance and operation of facilities, and for other
16 services, to be provided during the next fiscal year.

17 CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND
18 RESTORATION

19 For necessary expenses for construction of facilities
20 including repair, rehabilitation, revitalization, and modi-
21 fication of facilities, construction of new facilities and ad-
22 ditions to existing facilities, facility planning and design,
23 and restoration, and acquisition or condemnation of real
24 property, as authorized by law, and environmental compli-
25 ance and restoration; \$508,700,000, together with

1 \$20,000,000 to be derived from available unobligated bal-
2 ances previously appropriated for construction of facilities,
3 to remain available until September 30, 2015: *Provided*,
4 That within the funds provided, \$40,500,000 shall be
5 available to support science research and development ac-
6 tivities; \$109,800,000 shall be available to support explo-
7 ration research and development activities; \$15,600,000
8 shall be available to support space operations research and
9 development activities; \$300,700,000 shall be available for
10 institutional construction of facilities; and \$62,100,000
11 shall be available for environmental compliance and res-
12 toration: *Provided further*, That proceeds from leases en-
13 tered into under the authorities contained in 42 U.S.C.
14 2459j and deposited into this account shall be available
15 for obligation for fiscal year 2011 in an amount not to
16 exceed \$5,592,400.

17 OFFICE OF INSPECTOR GENERAL

18 For necessary expenses of the Office of Inspector
19 General in carrying out the Inspector General Act of 1978,
20 \$37,500,000.

21 ADMINISTRATIVE PROVISIONS

22 Funds for announced prizes otherwise authorized
23 shall remain available, without fiscal year limitation, until
24 the prize is claimed or the offer is withdrawn.

1 Not to exceed 5 percent of any appropriation made
2 available for the current fiscal year for the National Aero-
3 nautics and Space Administration (NASA) in this Act
4 may be transferred between such appropriations, but no
5 such appropriation, except as otherwise specifically pro-
6 vided, shall be increased by more than 10 percent by any
7 such transfers. Balances transferred may be merged with
8 funds in the recipient account and thereafter may be ac-
9 counted for as one fund under the same terms and condi-
10 tions as the recipient account. Any transfer pursuant to
11 this provision shall be treated as a reprogramming of
12 funds under section 505 of this Act and shall not be avail-
13 able for obligation except in compliance with the proce-
14 dures set forth in that section.

15 The unexpired balances of previous accounts, for ac-
16 tivities for which funds are provided under this Act, may
17 be transferred to the new accounts established in this Act
18 that provide such activity. Balances so transferred shall
19 be merged with the funds in the newly established ac-
20 counts, but shall be available under the same terms, condi-
21 tions and period of time as previously appropriated.

22 Funding designations and minimum funding require-
23 ments contained in any other Act shall not be applicable
24 to funds appropriated by this title for NASA.

1 Of funds provided under the headings “Space Oper-
2 ations” and “Exploration” in this Act, up to \$60,000,000
3 may be transferred to “Economic Development Assistance
4 Programs, Economic Development Administration, De-
5 partment of Commerce”, to spur regional economic growth
6 in areas impacted by Shuttle retirement and exploration
7 programmatic changes.

8 NATIONAL SCIENCE FOUNDATION

9 RESEARCH AND RELATED ACTIVITIES

10 (INCLUDING TRANSFER OF FUNDS)

11 For necessary expenses in carrying out the National
12 Science Foundation Act of 1950, as amended (42 U.S.C.
13 1861–1875), and the Act to establish a National Medal
14 of Science (42 U.S.C. 1880–1881); services as authorized
15 by 5 U.S.C. 3109; maintenance and operation of aircraft
16 and purchase of flight services for research support; acqui-
17 sition of aircraft; and authorized travel; \$5,949,080,000,
18 to remain available until September 30, 2012, of which
19 not to exceed \$590,000,000 shall remain available until
20 expended for polar research and operations support, and
21 for reimbursement to other Federal agencies for oper-
22 ational and science support and logistical and other re-
23 lated activities for the United States Antarctic program:
24 *Provided*, That from funds specified in the fiscal year
25 2011 budget request for icebreaking services, \$54,000,000

1 shall be transferred to the U.S. Coast Guard “Operating
2 Expenses” within 60 days of enactment of this Act: *Pro-*
3 *vided further*, That receipts for scientific support services
4 and materials furnished by the National Research Centers
5 and other National Science Foundation supported re-
6 search facilities may be credited to this appropriation:
7 *Provided further*, That not less than \$156,000,000 shall
8 be available for activities authorized by section
9 7002(c)(2)(A)(iv) of Public Law 110–69.

10 MAJOR RESEARCH EQUIPMENT AND FACILITIES

11 CONSTRUCTION

12 For necessary expenses for the acquisition, construc-
13 tion, commissioning, and upgrading of major research
14 equipment, facilities, and other such capital assets pursu-
15 ant to the National Science Foundation Act of 1950, as
16 amended (42 U.S.C. 1861–1875), including authorized
17 travel, \$157,190,000, to remain available until expended:
18 *Provided*, That none of the funds may be used to reim-
19 burse the Judgment Fund.

20 EDUCATION AND HUMAN RESOURCES

21 For necessary expenses in carrying out science, math-
22 ematics and engineering education and human resources
23 programs and activities pursuant to the National Science
24 Foundation Act of 1950, as amended (42 U.S.C. 1861–
25 1875), including services as authorized by 5 U.S.C. 3109,

1 authorized travel, and rental of conference rooms in the
2 District of Columbia, \$900,000,000, to remain available
3 until September 30, 2012: *Provided*, That not less than
4 \$55,000,000 shall be available until expended for activities
5 authorized by section 7030 of Public Law 110–69, not less
6 than \$32,000,000 shall be available until expended for the
7 Historically Black Colleges and Universities Under-
8 graduate Program, and not less than \$14,250,000 shall
9 be available until expended for the Tribal Colleges and
10 Universities Program.

11 AGENCY OPERATIONS AND AWARD MANAGEMENT

12 For agency operations and award management nec-
13 essary in carrying out the National Science Foundation
14 Act of 1950, as amended (42 U.S.C. 1861–1875); services
15 authorized by 5 U.S.C. 3109; hire of passenger motor ve-
16 hicles; not to exceed \$6,900 for official reception and rep-
17 resentation expenses; uniforms or allowances therefor, as
18 authorized by 5 U.S.C. 5901–5902; rental of conference
19 rooms in the District of Columbia; and reimbursement of
20 the Department of Homeland Security for security guard
21 services; \$319,190,000: *Provided*, That contracts may be
22 entered into under this heading in fiscal year 2011 for
23 maintenance and operation of facilities, and for other serv-
24 ices, to be provided during the next fiscal year.

1 OFFICE OF THE NATIONAL SCIENCE BOARD

2 For necessary expenses (including payment of sala-
3 ries, authorized travel, hire of passenger motor vehicles,
4 the rental of conference rooms in the District of Columbia,
5 and the employment of experts and consultants under sec-
6 tion 3109 of title 5, United States Code) involved in car-
7 rying out section 4 of the National Science Foundation
8 Act of 1950, as amended (42 U.S.C. 1863) and Public
9 Law 86–209 (42 U.S.C. 1880 et seq.), \$4,840,000: *Pro-*
10 *vided*, That not to exceed \$2,100 shall be available for offi-
11 cial reception and representation expenses.

12 OFFICE OF INSPECTOR GENERAL

13 For necessary expenses of the Office of Inspector
14 General as authorized by the Inspector General Act of
15 1978, as amended, \$14,700,000.

16 This title may be cited as the “Science Appropria-
17 tions Act, 2011”.

18 TITLE IV

19 RELATED AGENCIES

20 COMMISSION ON CIVIL RIGHTS

21 SALARIES AND EXPENSES

22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses of the Commission on Civil
24 Rights, including hire of passenger motor vehicles,
25 \$9,400,000: *Provided*, That none of the funds appro-

1 priated in this paragraph shall be used to employ in excess
2 of four full-time individuals under Schedule C of the Ex-
3 cepted Service exclusive of one special assistant for each
4 Commissioner: *Provided further*, That none of the funds
5 appropriated in this paragraph shall be used to reimburse
6 Commissioners for more than 75 billable days, with the
7 exception of the chairperson, who is permitted 125 billable
8 days: *Provided further*, That none of the funds appro-
9 priated in this paragraph shall be used for any activity
10 or expense that is not explicitly authorized by 42 U.S.C.
11 1975a: *Provided further*, That there shall be an Inspector
12 General at the Commission on Civil Rights who shall have
13 the duties, responsibilities, and authorities specified in the
14 Inspector General Act of 1978, as amended: *Provided fur-*
15 *ther*, That an individual appointed to the position of In-
16 spector General of the Equal Employment Opportunity
17 Commission (EEOC) shall, by virtue of such appointment,
18 also hold the position of Inspector General of the Commis-
19 sion on Civil Rights: *Provided further*, That the Inspector
20 General of the Commission on Civil Rights shall utilize
21 personnel of the Office of Inspector General of EEOC in
22 performing the duties of the Inspector General of the
23 Commission on Civil Rights, and shall not appoint any in-
24 dividuals to positions within the Commission on Civil
25 Rights: *Provided further*, That of the amounts made avail-

1 able in this paragraph, \$900,000 shall be transferred di-
2 rectly to the Office of Inspector General of EEOC upon
3 enactment of this Act for salaries and expenses necessary
4 to carry out the duties of the Inspector General of the
5 Commission on Civil Rights.

6 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

7 SALARIES AND EXPENSES

8 For necessary expenses of the Equal Employment
9 Opportunity Commission as authorized by title VII of the
10 Civil Rights Act of 1964, the Age Discrimination in Em-
11 ployment Act of 1967, the Equal Pay Act of 1963, the
12 Americans with Disabilities Act of 1990, the Civil Rights
13 Act of 1991, the Genetic Information Non-Discrimination
14 Act (GINA) of 2008 (Public Law 110–233), the ADA
15 Amendments Act of 2008 (Public Law 110–325), and the
16 Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111–
17 2), including services as authorized by 5 U.S.C. 3109; hire
18 of passenger motor vehicles as authorized by 31 U.S.C.
19 1343(b); nonmonetary awards to private citizens,
20 \$355,303,000: *Provided*, That the Commission is author-
21 ized to make available for official reception and represen-
22 tation expenses not to exceed \$1,875 from available funds:
23 *Provided further*, That the Commission may take no action
24 to implement any workforce repositioning, restructuring,
25 or reorganization until such time as the Committees on

1 Appropriations have been notified of such proposals, in ac-
2 cordance with the reprogramming requirements of section
3 505 of this Act: *Provided further*, That the Chair is au-
4 thorized to accept and use any gift or donation to carry
5 out the work of the Commission.

6 STATE AND LOCAL ASSISTANCE

7 For payments to State and local enforcement agen-
8 cies for authorized services to the Commission,
9 \$30,000,000.

10 INTERNATIONAL TRADE COMMISSION

11 SALARIES AND EXPENSES

12 For necessary expenses of the International Trade
13 Commission, including hire of passenger motor vehicles,
14 and services as authorized by 5 U.S.C. 3109, and not to
15 exceed \$1,875 for official reception and representation ex-
16 penses, \$87,000,000, to remain available until expended.

17 LEGAL SERVICES CORPORATION

18 PAYMENT TO THE LEGAL SERVICES CORPORATION

19 For payment to the Legal Services Corporation to
20 carry out the purposes of the Legal Services Corporation
21 Act of 1974, \$440,000,000, of which \$410,650,000 is for
22 basic field programs and required independent audits;
23 \$4,350,000 is for the Office of Inspector General, of which
24 such amounts as may be necessary may be used to conduct
25 additional audits of recipients; \$20,000,000 is for manage-

1 ment and grants oversight; \$4,000,000 is for client self-
2 help and information technology; and \$1,000,000 is for
3 loan repayment assistance: *Provided*, That the Legal Serv-
4 ices Corporation may continue to provide locality pay to
5 officers and employees at a rate no greater than that pro-
6 vided by the Federal Government to Washington, DC-
7 based employees as authorized by 5 U.S.C. 5304, notwith-
8 standing section 1005(d) of the Legal Services Corpora-
9 tion Act, 42 U.S.C. 2996(d): *Provided further*, That the
10 authorities provided in section 205 of this Act shall be
11 applicable to the Legal Services Corporation.

12 ADMINISTRATIVE PROVISION—LEGAL SERVICES

13 CORPORATION

14 None of the funds appropriated in this Act to the
15 Legal Services Corporation shall be expended for any pur-
16 pose prohibited or limited by, or contrary to any of the
17 provisions of, sections 501, 502, 503, 504, 505, and 506
18 of Public Law 105–119, and all funds appropriated in this
19 Act to the Legal Services Corporation shall be subject to
20 the same terms and conditions set forth in such sections,
21 except that all references in sections 502 and 503 to 1997
22 and 1998 shall be deemed to refer instead to 2010 and
23 2011, respectively.

1 MARINE MAMMAL COMMISSION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Marine Mammal Com-
4 mission as authorized by title II of Public Law 92-522,
5 \$3,500,000.

6 OFFICE OF THE UNITED STATES TRADE

7 REPRESENTATIVE

8 SALARIES AND EXPENSES

9 For necessary expenses of the Office of the United
10 States Trade Representative, including the hire of pas-
11 senger motor vehicles and the employment of experts and
12 consultants as authorized by 5 U.S.C. 3109, \$48,000,000,
13 of which \$1,000,000 shall remain available until expended:
14 *Provided*, That not to exceed \$93,000 shall be available
15 for official reception and representation expenses: *Pro-*
16 *vided further*, That negotiations shall be conducted within
17 the World Trade Organization to recognize the right of
18 members to distribute monies collected from antidumping
19 and countervailing duties: *Provided further*, That negotia-
20 tions shall be conducted within the World Trade Organiza-
21 tion consistent with the negotiating objectives contained
22 in the Trade Act of 2002, Public Law 107-210.

1 STATE JUSTICE INSTITUTE

2 SALARIES AND EXPENSES

3 For necessary expenses of the State Justice Institute,
4 as authorized by the State Justice Institute Authorization
5 Act of 1984 (42 U.S.C. 10701 et seq.) \$6,273,000, of
6 which \$500,000 shall remain available until September 30,
7 2012: *Provided*, That not to exceed \$1,875 shall be avail-
8 able for official reception and representation expenses.

9 COMMISSION ON WARTIME RELOCATION AND INTERN-
10 MENT OF LATIN AMERICANS OF JAPANESE DE-
11 SCENT

12 SALARIES AND EXPENSES

13 For necessary expenses to carry out the activities of
14 the Commission on Wartime Relocation and Internment
15 of Latin Americans of Japanese Descent, as authorized
16 by section 539 of this Act, \$1,700,000.

17 TITLE V

18 GENERAL PROVISIONS

19 SEC. 501. No part of any appropriation contained in
20 this Act shall be used for publicity or propaganda purposes
21 not authorized by the Congress.

22 SEC. 502. No part of any appropriation contained in
23 this Act shall remain available for obligation beyond the
24 current fiscal year unless expressly so provided herein.

1 SEC. 503. The expenditure of any appropriation
2 under this Act for any consulting service through procure-
3 ment contract, pursuant to 5 U.S.C. 3109, shall be limited
4 to those contracts where such expenditures are a matter
5 of public record and available for public inspection, except
6 where otherwise provided under existing law, or under ex-
7 isting Executive order issued pursuant to existing law.

8 SEC. 504. If any provision of this Act or the applica-
9 tion of such provision to any person or circumstances shall
10 be held invalid, the remainder of the Act and the applica-
11 tion of each provision to persons or circumstances other
12 than those as to which it is held invalid shall not be af-
13 fected thereby.

14 SEC. 505. (a) None of the funds provided under this
15 Act, or provided under previous appropriations Acts to the
16 agencies funded by this Act that remain available for obli-
17 gation or expenditure in fiscal year 2011, or provided from
18 any accounts in the Treasury of the United States derived
19 by the collection of fees available to the agencies funded
20 by this Act, shall be available for obligation or expenditure
21 through the reprogramming of funds that—

22 (1) creates or initiates a new program, project
23 or activity;

24 (2) eliminates a program, project or activity,
25 unless the House and Senate Committees on Appro-

1 appropriations are notified 15 days in advance of such re-
2 programming of funds;

3 (3) increases funds or personnel by any means
4 for any project or activity for which funds have been
5 denied or restricted by this Act, unless the House
6 and Senate Committees on Appropriations are noti-
7 fied 15 days in advance of such reprogramming of
8 funds;

9 (4) relocates an office or employees, unless the
10 House and Senate Committees on Appropriations
11 are notified 15 days in advance of such reprogram-
12 ming of funds;

13 (5) reorganizes or renames offices, programs or
14 activities, unless the House and Senate Committees
15 on Appropriations are notified 15 days in advance of
16 such reprogramming of funds;

17 (6) contracts out or privatizes any functions or
18 activities presently performed by Federal employees,
19 unless the House and Senate Committees on Appro-
20 priations are notified 15 days in advance of such re-
21 programming of funds;

22 (7) proposes to use funds directed for a specific
23 activity by either the House or Senate Committee on
24 Appropriations for a different purpose, unless the
25 House and Senate Committees on Appropriations

1 are notified 15 days in advance of such reprogram-
2 ming of funds;

3 (8) augments funds for existing programs,
4 projects or activities in excess of \$500,000 or 10
5 percent, whichever is less, or reduces by 10 percent
6 funding for any program, project or activity, or
7 numbers of personnel by 10 percent as approved by
8 Congress, unless the House and Senate Committees
9 on Appropriations are notified 15 days in advance of
10 such reprogramming of funds; or

11 (9) results from any general savings, including
12 savings from a reduction in personnel, which would
13 result in a change in existing programs, projects or
14 activities as approved by Congress, unless the House
15 and Senate Committees on Appropriations are noti-
16 fied 15 days in advance of such reprogramming of
17 funds.

18 (b) None of the funds provided under this Act, or
19 provided under previous appropriations Acts to the agen-
20 cies funded by this Act that remain available for obligation
21 or expenditure in fiscal year 2011, or provided from any
22 accounts in the Treasury of the United States derived by
23 the collection of fees available to the agencies funded by
24 this Act, shall be available for obligation or expenditure,
25 through the reprogramming of funds after August 1, ex-

1 cept in extraordinary circumstances, and only after the
2 House and Senate Committees on Appropriations are noti-
3 fied 30 days in advance of such reprogramming of funds.

4 SEC. 506. Hereafter, none of the funds made avail-
5 able in this or any other Act may be used to implement,
6 administer, or enforce any guidelines of the Equal Em-
7 ployment Opportunity Commission covering harassment
8 based on religion, when it is made known to the Federal
9 entity or official to which such funds are made available
10 that such guidelines do not differ in any respect from the
11 proposed guidelines published by the Commission on Octo-
12 ber 1, 1993 (58 Fed. Reg. 51266).

13 SEC. 507. If it has been finally determined by a court
14 or Federal agency that any person intentionally affixed a
15 label bearing a “Made in America” inscription, or any in-
16 scription with the same meaning, to any product sold in
17 or shipped to the United States that is not made in the
18 United States, the person shall be ineligible to receive any
19 contract or subcontract made with funds made available
20 in this Act, pursuant to the debarment, suspension, and
21 ineligibility procedures described in sections 9.400 through
22 9.409 of title 48, Code of Federal Regulations.

23 SEC. 508. The Departments of Commerce and Jus-
24 tice, the National Science Foundation, and the National
25 Aeronautics and Space Administration, shall provide to

1 the House and Senate Committees on Appropriations a
2 quarterly accounting of the cumulative balances of any un-
3 obligated funds that were received by such agency during
4 any previous fiscal year.

5 SEC. 509. Any costs incurred by a department or
6 agency funded under this Act resulting from, or to pre-
7 vent, personnel actions taken in response to funding re-
8 ductions included in this Act shall be absorbed within the
9 total budgetary resources available to such department or
10 agency: *Provided*, That the authority to transfer funds be-
11 tween appropriations accounts as may be necessary to
12 carry out this section is provided in addition to authorities
13 included elsewhere in this Act: *Provided further*, That use
14 of funds to carry out this section shall be treated as a
15 reprogramming of funds under section 505 of this Act and
16 shall not be available for obligation or expenditure except
17 in compliance with the procedures set forth in that section.

18 SEC. 510. None of the funds provided by this Act
19 shall be available to promote the sale or export of tobacco
20 or tobacco products, or to seek the reduction or removal
21 by any foreign country of restrictions on the marketing
22 of tobacco or tobacco products, except for restrictions
23 which are not applied equally to all tobacco or tobacco
24 products of the same type.

1 SEC. 511. None of the funds appropriated pursuant
2 to this Act or any other provision of law may be used for—

3 (1) the implementation of any tax or fee in con-
4 nection with the implementation of subsection 922(t)
5 of title 18, United States Code; and

6 (2) any system to implement subsection 922(t)
7 of title 18, United States Code, that does not re-
8 quire and result in the destruction of any identifying
9 information submitted by or on behalf of any person
10 who has been determined not to be prohibited from
11 possessing or receiving a firearm no more than 24
12 hours after the system advises a Federal firearms li-
13 censee that possession or receipt of a firearm by the
14 prospective transferee would not violate subsection
15 (g) or (n) of section 922 of title 18, United States
16 Code, or State law.

17 SEC. 512. Notwithstanding any other provision of
18 law, amounts deposited or available in the Fund estab-
19 lished under section 1402 of the Victims of Crime Act of
20 1984 (42 U.S.C. 10601) in any fiscal year in excess of
21 \$820,000,000 shall not be available for obligation until the
22 following fiscal year.

23 SEC. 513. None of the funds made available to the
24 Department of Justice in this Act may be used to discrimi-
25 nate against or denigrate the religious or moral beliefs of

1 students who participate in programs for which financial
2 assistance is provided from those funds, or of the parents
3 or legal guardians of such students.

4 SEC. 514. None of the funds made available in this
5 Act may be transferred to any department, agency, or in-
6 strumentality of the United States Government, except
7 pursuant to a transfer made by, or transfer authority pro-
8 vided in, this Act or any other appropriations Act.

9 SEC. 515. Any funds provided in this Act used to im-
10 plement E-Government Initiatives shall be subject to the
11 procedures set forth in section 505 of this Act.

12 SEC. 516. (a) Tracing studies conducted by the Bu-
13 reau of Alcohol, Tobacco, Firearms and Explosives are re-
14 leased without adequate disclaimers regarding the limita-
15 tions of the data.

16 (b) The Bureau of Alcohol, Tobacco, Firearms and
17 Explosives shall include in all such data releases, language
18 similar to the following that would make clear that trace
19 data cannot be used to draw broad conclusions about fire-
20 arms-related crime:

21 (1) Firearm traces are designed to assist law
22 enforcement authorities in conducting investigations
23 by tracking the sale and possession of specific fire-
24 arms. Law enforcement agencies may request fire-
25 arms traces for any reason, and those reasons are

1 not necessarily reported to the Federal Government.
2 Not all firearms used in crime are traced and not all
3 firearms traced are used in crime.

4 (2) Firearms selected for tracing are not chosen
5 for purposes of determining which types, makes, or
6 models of firearms are used for illicit purposes. The
7 firearms selected do not constitute a random sample
8 and should not be considered representative of the
9 larger universe of all firearms used by criminals, or
10 any subset of that universe. Firearms are normally
11 traced to the first retail seller, and sources reported
12 for firearms traced do not necessarily represent the
13 sources or methods by which firearms in general are
14 acquired for use in crime.

15 SEC. 517. (a) The Inspectors General of the Depart-
16 ment of Commerce, the Department of Justice, the Na-
17 tional Aeronautics and Space Administration, the Na-
18 tional Science Foundation, and the Legal Services Cor-
19 poration shall conduct audits, pursuant to the Inspector
20 General Act (5 U.S.C. App.), of grants or contracts for
21 which funds are appropriated by this Act, and shall submit
22 reports to Congress on the progress of such audits, which
23 may include preliminary findings and a description of
24 areas of particular interest, within 180 days after initi-

1 ating such an audit and every 180 days thereafter until
2 any such audit is completed.

3 (b) Within 60 days after the date on which an audit
4 described in subsection (a) by an Inspector General is
5 completed, the Secretary, Attorney General, Adminis-
6 trator, Director, or President, as appropriate, shall make
7 the results of the audit available to the public on the Inter-
8 net Web site maintained by the Department, Administra-
9 tion, Foundation, or Corporation, respectively. The results
10 shall be made available in redacted form to exclude—

11 (1) any matter described in section 552(b) of
12 title 5, United States Code; and

13 (2) sensitive personal information for any indi-
14 vidual, the public access to which could be used to
15 commit identity theft or for other inappropriate or
16 unlawful purposes.

17 (c) A grant or contract funded by amounts appro-
18 priated by this Act may not be used for the purpose of
19 defraying the costs of a banquet or conference that is not
20 directly and programmatically related to the purpose for
21 which the grant or contract was awarded, such as a ban-
22 quet or conference held in connection with planning, train-
23 ing, assessment, review, or other routine purposes related
24 to a project funded by the grant or contract.

1 (d) Any person awarded a grant or contract funded
2 by amounts appropriated by this Act shall submit a state-
3 ment to the Secretary of Commerce, the Attorney General,
4 the Administrator, Director, or President, as appropriate,
5 certifying that no funds derived from the grant or contract
6 will be made available through a subcontract or in any
7 other manner to another person who has a financial inter-
8 est in the person awarded the grant or contract.

9 (e) The provisions of the preceding subsections of this
10 section shall take effect 30 days after the date on which
11 the Director of the Office of Management and Budget, in
12 consultation with the Director of the Office of Government
13 Ethics, determines that a uniform set of rules and require-
14 ments, substantially similar to the requirements in such
15 subsections, consistently apply under the executive branch
16 ethics program to all Federal departments, agencies, and
17 entities.

18 SEC. 518. None of the funds appropriated or other-
19 wise made available under this Act may be used to issue
20 patents on claims directed to or encompassing a human
21 organism.

22 SEC. 519. None of the funds made available in this
23 Act shall be used in any way whatsoever to support or
24 justify the use of torture by any official or contract em-
25 ployee of the United States Government.

1 SEC. 520. (a) Notwithstanding any other provision
2 of law or treaty, none of the funds appropriated or other-
3 wise made available under this Act or any other Act may
4 be expended or obligated by a department, agency, or in-
5 strumentality of the United States to pay administrative
6 expenses or to compensate an officer or employee of the
7 United States in connection with requiring an export li-
8 cense for the export to Canada of components, parts, ac-
9 cessories or attachments for firearms listed in Category
10 I, section 121.1 of title 22, Code of Federal Regulations
11 (International Trafficking in Arms Regulations (ITAR),
12 part 121, as it existed on April 1, 2005) with a total value
13 not exceeding \$500 wholesale in any transaction, provided
14 that the conditions of subsection (b) of this section are
15 met by the exporting party for such articles.

16 (b) The foregoing exemption from obtaining an ex-
17 port license—

18 (1) does not exempt an exporter from filing any
19 Shipper's Export Declaration or notification letter
20 required by law, or from being otherwise eligible
21 under the laws of the United States to possess, ship,
22 transport, or export the articles enumerated in sub-
23 section (a); and

24 (2) does not permit the export without a license
25 of—

1 (A) fully automatic firearms and compo-
2 nents and parts for such firearms, other than
3 for end use by the Federal Government, or a
4 Provincial or Municipal Government of Canada;

5 (B) barrels, cylinders, receivers (frames) or
6 complete breech mechanisms for any firearm
7 listed in Category I, other than for end use by
8 the Federal Government, or a Provincial or Mu-
9 nicipal Government of Canada; or

10 (C) articles for export from Canada to an-
11 other foreign destination.

12 (c) In accordance with this section, the District Di-
13 rectors of Customs and postmasters shall permit the per-
14 manent or temporary export without a license of any un-
15 classified articles specified in subsection (a) to Canada for
16 end use in Canada or return to the United States, or tem-
17 porary import of Canadian-origin items from Canada for
18 end use in the United States or return to Canada for a
19 Canadian citizen.

20 (d) The President may require export licenses under
21 this section on a temporary basis if the President deter-
22 mines, upon publication first in the Federal Register, that
23 the Government of Canada has implemented or main-
24 tained inadequate import controls for the articles specified
25 in subsection (a), such that a significant diversion of such

1 articles has and continues to take place for use in inter-
2 national terrorism or in the escalation of a conflict in an-
3 other nation. The President shall terminate the require-
4 ments of a license when reasons for the temporary require-
5 ments have ceased.

6 SEC. 521. Notwithstanding any other provision of
7 law, no department, agency, or instrumentality of the
8 United States receiving appropriated funds under this Act
9 or any other Act shall obligate or expend in any way such
10 funds to pay administrative expenses or the compensation
11 of any officer or employee of the United States to deny
12 any application submitted pursuant to 22 U.S.C.
13 2778(b)(1)(B) and qualified pursuant to 27 CFR section
14 478.112 or .113, for a permit to import United States ori-
15 gin “curios or relics” firearms, parts, or ammunition.

16 SEC. 522. None of the funds made available in this
17 Act may be used to include in any new bilateral or multi-
18 lateral trade agreement the text of—

19 (1) paragraph 2 of article 16.7 of the United
20 States-Singapore Free Trade Agreement;

21 (2) paragraph 4 of article 17.9 of the United
22 States-Australia Free Trade Agreement; or

23 (3) paragraph 4 of article 15.9 of the United
24 States-Morocco Free Trade Agreement.

1 SEC. 523. None of the funds made available in this
2 Act may be used to authorize or issue a national security
3 letter in contravention of any of the following laws author-
4 izing the Federal Bureau of Investigation to issue national
5 security letters: The Right to Financial Privacy Act; The
6 Electronic Communications Privacy Act; The Fair Credit
7 Reporting Act; The National Security Act of 1947; USA
8 PATRIOT Act; and the laws amended by these Acts.

9 SEC. 524. If at any time during any quarter, the pro-
10 gram manager of a project within the jurisdiction of the
11 Departments of Commerce or Justice, the National Aero-
12 nautics and Space Administration, or the National Science
13 Foundation totaling more than \$75,000,000 has reason-
14 able cause to believe that the total program cost has in-
15 creased by 10 percent, the program manager shall imme-
16 diately inform the Secretary, Administrator, or Director.
17 The Secretary, Administrator, or Director shall notify the
18 House and Senate Committees on Appropriations within
19 30 days in writing of such increase, and shall include in
20 such notice: the date on which such determination was
21 made; a statement of the reasons for such increases; the
22 action taken and proposed to be taken to control future
23 cost growth of the project; changes made in the perform-
24 ance or schedule milestones and the degree to which such
25 changes have contributed to the increase in total program

1 costs or procurement costs; new estimates of the total
2 project or procurement costs; and a statement validating
3 that the project's management structure is adequate to
4 control total project or procurement costs.

5 SEC. 525. Funds appropriated by this Act, or made
6 available by the transfer of funds in this Act, for intel-
7 ligence or intelligence related activities are deemed to be
8 specifically authorized by the Congress for purposes of sec-
9 tion 504 of the National Security Act of 1947 (50 U.S.C.
10 414) during fiscal year 2011 until the enactment of the
11 Intelligence Authorization Act for fiscal year 2011.

12 SEC. 526. The Departments, agencies, and commis-
13 sions funded under this Act, shall establish and maintain
14 on the homepages of their Internet Web sites—

15 (1) direct links to the Internet Web sites of
16 their Offices of Inspectors General; and

17 (2) mechanisms on the Offices of Inspectors
18 General Web sites by which individuals may anony-
19 mously report cases of waste, fraud, or abuse with
20 respect to those Departments, agencies, and commis-
21 sions.

22 SEC. 527. None of the funds appropriated or other-
23 wise made available by this Act may be used to enter into
24 a contract in an amount greater than \$5,000,000 or to
25 award a grant in excess of such amount unless the pro-

1 spective contractor or grantee certifies in writing to the
2 agency awarding the contract or grant that, to the best
3 of its knowledge and belief, the contractor or grantee has
4 filed all Federal tax returns required during the three
5 years preceding the certification, has not been convicted
6 of a criminal offense under the Internal Revenue Code of
7 1986, and has not, more than 90 days prior to certifi-
8 cation, been notified of any unpaid Federal tax assessment
9 for which the liability remains unsatisfied, unless the as-
10 sessment is the subject of an installment agreement or
11 offer in compromise that has been approved by the Inter-
12 nal Revenue Service and is not in default, or the assess-
13 ment is the subject of a non-frivolous administrative or
14 judicial proceeding.

15 SEC. 528. None of the funds appropriated or other-
16 wise made available in this Act may be used in a manner
17 that is inconsistent with the principal negotiating objective
18 of the United States with respect to trade remedy laws
19 to preserve the ability of the United States—

20 (1) to enforce vigorously its trade laws, includ-
21 ing antidumping, countervailing duty, and safeguard
22 laws;

23 (2) to avoid agreements that—

1 (A) lessen the effectiveness of domestic
2 and international disciplines on unfair trade, es-
3 pecially dumping and subsidies; or

4 (B) lessen the effectiveness of domestic
5 and international safeguard provisions, in order
6 to ensure that United States workers, agricul-
7 tural producers, and firms can compete fully on
8 fair terms and enjoy the benefits of reciprocal
9 trade concessions; and

10 (3) to address and remedy market distortions
11 that lead to dumping and subsidization, including
12 overcapacity, cartelization, and market access bar-
13 riers.

14 SEC. 529. Section 504(a) of the Departments of
15 Commerce, Justice, and State, the Judiciary, and Related
16 Agencies Appropriations Act, 1996 (as contained in Public
17 Law 104–134) is amended by striking paragraph (7).

18 (RESCISSIONS)

19 SEC. 530. (a) Of the unobligated balances available
20 to the Foreign Fishing Observer Fund, \$350,000 are here-
21 by rescinded;

22 (b) Of the unobligated balances available to the De-
23 partment of Justice from prior appropriations, the fol-
24 lowing funds are hereby rescinded, not later than Sep-

1 tember 30, 2011, from the following accounts in the speci-
2 fied amounts—

3 (1) “Legal Activities, Assets Forfeiture Fund”,
4 \$850,000,000;

5 (2) “Bureau of Alcohol, Tobacco, Firearms and
6 Explosives, Violent Crime Reduction Program”,
7 \$1,028,000;

8 (3) “Office of Justice Programs”, \$42,000,000;

9 (4) “Community Oriented Policing Services”,
10 \$10,200,000;

11 (5) “Working Capital Fund”, \$20,000,000;

12 (6) “Federal Bureau of Investigation, Salaries
13 and Expenses”, \$57,000,000; and

14 (7) “Detention Trustee”, \$6,000,000.

15 (c) Of the unobligated balances available to the Na-
16 tional Aeronautics and Space Administration from prior
17 year appropriations under the heading “Exploration”,
18 \$14,000,000 are hereby rescinded.

19 (d) Of the unobligated balances available to the Bu-
20 reau of the Census from prior year appropriations,
21 \$1,740,000,000 under the heading “Periodic Censuses
22 and Programs” are hereby rescinded.

23 (e) Within 30 days of enactment of this Act, the De-
24 partment of Justice, the National Aeronautics and Space
25 Administration, and the Department of Commerce shall

1 submit to the Committees on Appropriations of the House
2 and Senate a report specifying the amount of each rescis-
3 sion made pursuant to this section.

4 (f) The rescissions contained in this section shall not
5 apply to funds provided in this Act.

6 SEC. 531. None of the funds made available in this
7 Act may be used to purchase first class or premium airline
8 travel in contravention of sections 301–10.122 through
9 301–10.124 of title 41 of the Code of Federal Regulations.

10 SEC. 532. None of the funds made available in this
11 Act may be used to send or otherwise pay for the attend-
12 ance of more than 50 employees from a Federal depart-
13 ment or agency at any single conference occurring outside
14 the United States. This provision shall not apply to law
15 enforcement training and/or operational conferences for
16 law enforcement personnel when the majority of Federal
17 employees in attendance are law enforcement personnel
18 stationed outside the United States.

19 SEC. 533. None of the funds made available under
20 this Act may be distributed to the Association of Commu-
21 nity Organizations for Reform Now (ACORN) or its sub-
22 sidiaries.

23 SEC. 534. To the extent practicable, funds made
24 available in this Act should be used to purchase light bulbs

1 that are “Energy Star” qualified or have the “Federal En-
2 ergy Management Program” designation.

3 SEC. 535. None of the funds made available in this
4 Act may be used to relocate the Bureau of the Census
5 or employees from the Department of Commerce to the
6 jurisdiction of the Executive Office of the President.

7 SEC. 536. (a) The head of any department, agency,
8 board or commission funded by this Act shall submit quar-
9 terly reports to the Inspector General for any entity with-
10 out an inspector general or the senior ethics official of the
11 appropriate department, agency, board or commission re-
12 garding the costs and contracting procedures relating to
13 each conference held by the department, agency, board or
14 commission during fiscal year 2011 for which the cost to
15 the Government was more than \$20,000.

16 (b) Each report submitted under subsection (a) shall
17 include, for each conference described in that subsection
18 held during the applicable quarter—

19 (1) a description of the subject of and number
20 of participants attending that conference;

21 (2) a detailed statement of the costs to the Gov-
22 ernment relating to that conference, including—

23 (A) the cost of any food or beverages;

24 (B) the cost of any audio-visual services;

25 and

1 (C) a discussion of the methodology used
2 to determine which costs relate to that con-
3 ference; and

4 (3) a description of the contracting procedures
5 relating to that conference, including—

6 (A) whether contracts were awarded on a
7 competitive basis for that conference; and

8 (B) a discussion of any cost comparison
9 conducted by the department, agency, board or
10 commission in evaluating potential contractors
11 for that conference.

12 SEC. 537. The Departments of Commerce and Jus-
13 tice, the National Aeronautics and Space Administration,
14 and the National Science Foundation shall provide to the
15 House and Senate Committees on Appropriations an an-
16 nual report, by September 30, 2011, and annually there-
17 after, on the progress toward achieving the sustainability
18 goals and targets described in Executive Order 13514.

19 SEC. 538. (a) Of the amounts appropriated for grants
20 and projects, as authorized by sections 261 and 262 of
21 the Juvenile Justice and Delinquency Prevention Act of
22 1974, under the heading “Juvenile Justice Programs”
23 under the major heading “Office of Justice Programs”
24 under the overarching heading “State and Local Law En-
25 forcement Activities” under division B, title II of the Om-

1 nibus Appropriations Act, 2009 (Public Law 111–8; 123
2 Stat. 581), the amounts to be made available to Youth
3 Alive, Inc. in Louisville, Kentucky, for At-Risk Youths
4 Crime Prevention pursuant to the joint statement of man-
5 agers accompanying that Act shall be made available to
6 the St. Stephen Family Life Center in Louisville, Ken-
7 tucky, for a youth mentoring program.

8 (b) Of the amounts appropriated for discretionary
9 grants to improve the functioning of the criminal justice
10 system, to prevent or combat juvenile delinquency, and to
11 assist victims of crime (other than compensation), under
12 the heading “State and Local Law Enforcement Assist-
13 ance” under the major heading “Office of Justice Pro-
14 grams” under the overarching heading “State and Local
15 Law Enforcement Activities” under division B, title II of
16 the Consolidated Appropriations Act, 2010 (Public Law
17 111–117; 123 Stat. 3133), the amounts to be made avail-
18 able to the Texas Engineering Extension Service in San
19 Marcos, Texas, for the ALERRT program pursuant to the
20 joint statement of managers accompanying that Act shall
21 be made available to Texas State University in San
22 Marcos, Texas, for the same purpose.

23 (c) Of the amounts appropriated for a law enforce-
24 ment technologies and interoperable communications pro-
25 gram under the heading “Community Oriented Policing

1 Services” under the overarching heading “State and Local
2 Law Enforcement Activities” under division B, title II of
3 the Consolidated Appropriations Act, 2010 (Public Law
4 111–117; 123 Stat. 3137), the amounts to be made avail-
5 able to the Elgin Police Department in Elgin, Illinois, for
6 Police Car Video Recording Replacement pursuant to the
7 joint statement of managers accompanying that Act shall
8 be made available to the same entity, for law enforcement
9 technology.

10 (d) Of the amounts appropriated for a law enforce-
11 ment technologies and interoperable communications pro-
12 gram under the heading “Community Oriented Policing
13 Services” under the overarching heading “State and Local
14 Law Enforcement Activities” under division B, title II of
15 the Omnibus Appropriations Act, 2009 (Public Law 111–
16 8; 123 Stat. 583), the amounts to be made available to
17 the City of Monroe, North Carolina, for an In-Car Camera
18 Project pursuant to the joint statement of managers ac-
19 companying that Act shall be made available to the same
20 entity, for an interoperable radio project.

21 (e) Of the amounts appropriated for a law enforce-
22 ment technologies and interoperable communications pro-
23 gram under the major heading “Community Oriented Po-
24 licing Services” under the overarching heading “State and
25 Local Law Enforcement Activities” under division B, title

1 II of the Consolidated Appropriations Act, 2010 (Public
2 Law 111–117; 123 Stat. 3137), the amounts to be made
3 available to the Beaver County Sheriff in Beaver, Pennsyl-
4 vania, for Law Enforcement Technology and Equipment
5 pursuant to the joint statement of managers accom-
6 panying that Act shall be transferred to the appropriation
7 for discretionary grants to improve the functioning of the
8 criminal justice system, to prevent or combat juvenile de-
9 linquency, and to assist victims of crime (other than com-
10 pensation) under the heading “State and Local Law En-
11 forcement Assistance”, under the major heading “Office
12 of Justice Programs” under the same overarching head-
13 ing, for the same entity, for the same purpose.

14 (f) Of the amounts appropriated for a law enforce-
15 ment technologies and interoperable communications pro-
16 gram under the major heading “Community Oriented Po-
17 licing Services” under the overarching heading “State and
18 Local Law Enforcement Activities” under division B, title
19 II of the Consolidated Appropriations Act, 2010 (Public
20 Law 111–117; 123 Stat. 3137), the amounts to be made
21 available to the Lawrence County Sheriff in New Castle,
22 Pennsylvania, for Law Enforcement Technology and
23 Equipment pursuant to the joint statement of managers
24 accompanying that Act shall be transferred to the appro-
25 priation for discretionary grants to improve the func-

1 tioning of the criminal justice system, to prevent or com-
2 bat juvenile delinquency, and to assist victims of crime
3 (other than compensation) under the heading “State and
4 Local Law Enforcement Assistance”, under the major
5 heading “Office of Justice Programs” under the same
6 overarching heading, for the same entity, for the same
7 purpose.

8 (g) Of the amounts appropriated for a law enforce-
9 ment technologies and interoperable communications pro-
10 gram under the heading “Community Oriented Policing
11 Services” under the overarching heading “State and Local
12 Law Enforcement Activities” under division B, title II of
13 the Omnibus Appropriations Act, 2009 (Public Law 111–
14 8; 123 Stat. 583), the amounts to be made available to
15 the City of Green Bay, Wisconsin, for a Police Depart-
16 ment Drying Room pursuant to the joint statement of
17 managers accompanying that Act shall be made available
18 to the same entity, for forensics equipment.

19 (h) Of the amounts appropriated for discretionary
20 grants to improve the functioning of the criminal justice
21 system, to prevent or combat juvenile delinquency, and to
22 assist victims of crime (other than compensation), under
23 the heading “State and Local Law Enforcement Assist-
24 ance”, under the major heading “Office of Justice Pro-
25 grams”, under the overarching heading “State and Local

1 Law Enforcement Activities”, under division B, title II of
2 the Consolidated Appropriations Act, 2010 (Public Law
3 111–117, 123 Stat. 3133), the amounts to be made avail-
4 able to the Montana Sheriffs and Peace Officers Associa-
5 tion in Helena, Montana, for the Montana Offender Noti-
6 fication and Tracking System—Juvenile Justice System
7 (MONTS–JJS), pursuant to the joint explanatory state-
8 ment of the Committee of Conference accompanying that
9 Act, shall be made available, instead, for adult initiatives.

10 (i) Of the amounts appropriated for grants and
11 projects, as authorized by sections 261 and 262 of the Ju-
12 venile Justice and Delinquency Prevention Act of 1974,
13 under the heading “Juvenile Justice Programs”, under
14 the major heading “Office of Justice Programs”, under
15 the overarching heading “State and Local Law Enforce-
16 ment Activities”, under division B, title II of the Omnibus
17 Appropriations Act, 2009 (Public Law 111–8; 123 Stat.
18 581), the amounts to be made available to the Self-Reli-
19 ance Foundation in Washington, DC, for a Latino Youth
20 Gang Prevention Project pursuant to the joint statement
21 of managers accompanying that Act shall be made avail-
22 able to Identity, Inc. in Gaithersburg, Maryland, for the
23 same purpose.

24 (j) Of the amounts appropriated for a law enforce-
25 ment technologies and interoperable communications pro-

1 gram under the heading “Community Oriented Policing
2 Services”, under the overarching heading “State and
3 Local Law Enforcement Activities”, under division B, title
4 II of the Consolidated Appropriations Act, 2010 (Public
5 Law 111–117; 123 Stat. 3137), the amounts to be made
6 available to the Webb County Sheriff in Laredo, Texas,
7 for a South Texas Forensics Laboratory pursuant to the
8 joint statement of managers accompanying that Act shall
9 be made available to the same entity, for South Texas
10 emergency operations equipment.

11 (k) Of the amounts appropriated for grants and
12 projects, as authorized by sections 261 and 262 of the Ju-
13 venile Justice and Delinquency Prevention Act of 1974,
14 under the heading “Juvenile Justice Programs”, under
15 the major heading “Office of Justice Programs”, under
16 the overarching heading “State and Local Law Enforce-
17 ment Activities”, under division B, title II of the Omnibus
18 Appropriations Act, 2009 (Public Law 111–8; 123 Stat.
19 581), the amounts to be made available to the Self-Reli-
20 ance Foundation in Washington, DC, for a Wake County
21 Gang Prevention Partnership Spanish Language Anti-
22 Gang Campaign pursuant to the joint statement of man-
23 agers accompanying that Act shall be made available to
24 the Department of 4–H Youth Development and Family

1 & Consumer Sciences at North Carolina State University
2 in Raleigh, North Carolina, for the same purpose.

3 (l) Of the amounts appropriated for discretionary
4 grants to improve the functioning of the criminal justice
5 system, to prevent or combat juvenile delinquency, and to
6 assist victims of crime (other than compensation), under
7 the heading “State and Local Law Enforcement Assist-
8 ance” under the major heading “Office of Justice Pro-
9 grams” under the overarching heading “State and Local
10 Law Enforcement Activities”, under division B, title II of
11 the Omnibus Appropriations Act, 2009 (Public Law 111–
12 8; 123 Stat. 579), the amounts to be made available to
13 the Louisiana District Attorney’s Association in Baton
14 Rouge, Louisiana, to support an early intervention pro-
15 gram for at-risk elementary students, pursuant to the
16 joint statement of managers accompanying that Act, shall
17 be made available to the University of Louisiana-Lafayette
18 in Lafayette, Louisiana, for the same purpose.

19 (m) Of the amounts appropriated for discretionary
20 grants to improve the functioning of the criminal justice
21 system, to prevent or combat juvenile delinquency, and to
22 assist victims of crime (other than compensation), under
23 the heading “State and Local Law Enforcement Assist-
24 ance” under the major heading “Office of Justice Pro-
25 grams”, under the overarching heading “State and Local

1 Law Enforcement Activities”, under division B, title II of
2 the Omnibus Appropriations Act, 2009 (Public Law 111–
3 8; 123 Stat. 579), the amounts to be made available to
4 the City of Las Vegas, Nevada, for copper wire theft pre-
5 vention efforts, pursuant to the joint statement of man-
6 agers accompanying that Act, shall be made available to
7 the City of Las Vegas for the Shared Computer Operation
8 for Protection and Enforcement (SCOPE), Las Vegas,
9 Nevada.

10 COMMISSION ON WARTIME RELOCATION AND INTERN-
11 MENT OF LATIN AMERICANS OF JAPANESE DESCENT

12 SEC. 539. (a) FINDINGS.—Based on a preliminary
13 study published in December 1982 by the Commission on
14 Wartime Relocation and Internment of Civilians, Congress
15 finds the following:

16 (1) During World War II, the United States—

17 (A) expanded its internment program and
18 national security investigations to conduct the
19 program and investigations in Latin America;
20 and

21 (B) financed relocation to the United
22 States, and internment, of approximately 2,300
23 Latin Americans of Japanese descent, for the
24 purpose of exchanging the Latin Americans of

1 Japanese descent for United States citizens
2 held by Axis countries.

3 (2) Approximately 2,300 men, women, and chil-
4 dren of Japanese descent from 13 Latin American
5 countries were held in the custody of the Depart-
6 ment of State in internment camps operated by the
7 Immigration and Naturalization Service from 1941
8 through 1948.

9 (3) Those men, women, and children either—

10 (A) were arrested without a warrant, hear-
11 ing, or indictment by local police, and sent to
12 the United States for internment; or

13 (B) in some cases involving women and
14 children, voluntarily entered internment camps
15 to remain with their arrested husbands, fathers,
16 and other male relatives.

17 (4) Passports held by individuals who were
18 Latin Americans of Japanese descent were routinely
19 confiscated before the individuals arrived in the
20 United States, and the Department of State ordered
21 United States consuls in Latin American countries
22 to refuse to issue visas to the individuals prior to de-
23 parture.

24 (5) Despite their involuntary arrival, Latin
25 American internees of Japanese descent were consid-

1 ered to be and treated as illegal entrants by the Im-
2 migration and Naturalization Service. Thus, the in-
3 ternees became illegal aliens in United States cus-
4 tody who were subject to deportation proceedings for
5 immediate removal from the United States. In some
6 cases, Latin American internees of Japanese descent
7 were deported to Axis countries to enable the United
8 States to conduct prisoner exchanges.

9 (6) Approximately 2,300 men, women, and chil-
10 dren of Japanese descent were relocated from their
11 homes in Latin America, detained in internment
12 camps in the United States, and in some cases, de-
13 ported to Axis countries to enable the United States
14 to conduct prisoner exchanges.

15 (7) The Commission on Wartime Relocation
16 and Internment of Civilians studied Federal actions
17 conducted pursuant to Executive Order 9066 (relat-
18 ing to authorizing the Secretary of War to prescribe
19 military areas). Although the United States program
20 of interning Latin Americans of Japanese descent
21 was not conducted pursuant to Executive Order
22 9066, an examination of that extraordinary program
23 is necessary to establish a complete account of Fed-
24 eral actions to detain and intern civilians of enemy
25 or foreign nationality, particularly of Japanese de-

1 scent. Although historical documents relating to the
2 program exist in distant archives, the Commission
3 on Wartime Relocation and Internment of Civilians
4 did not research those documents.

5 (8) Latin American internees of Japanese de-
6 scend were a group not covered by the Civil Liberties
7 Act of 1988 (50 U.S.C. App. 1989b et seq.), which
8 formally apologized and provided compensation pay-
9 ments to former Japanese Americans interned pur-
10 suant to Executive Order 9066.

11 (b) PURPOSE.—The purpose of this section is to es-
12 tablish a fact-finding Commission to extend the study of
13 the Commission on Wartime Relocation and Internment
14 of Civilians to investigate and determine facts and cir-
15 cumstances surrounding the relocation, internment, and
16 deportation to Axis countries of Latin Americans of Japa-
17 nese descent from December 1941 through February
18 1948, and the impact of those actions by the United
19 States, and to recommend appropriate remedies, if any,
20 based on preliminary findings by the original Commission
21 and new discoveries.

22 (c) ESTABLISHMENT OF THE COMMISSION.—

23 (1) IN GENERAL.—There is established the
24 Commission on Wartime Relocation and Internment

1 of Latin Americans of Japanese descent (referred to
2 in this section as the “Commission”).

3 (2) COMPOSITION.—The Commission shall be
4 composed of 9 members, who shall be appointed not
5 later than 60 days after the date of enactment of
6 this section, of whom—

7 (A) 3 members shall be appointed by the
8 President;

9 (B) 3 members shall be appointed by the
10 Speaker of the House of Representatives, on
11 the joint recommendation of the majority leader
12 of the House of Representatives and the minor-
13 ity leader of the House of Representatives; and

14 (C) 3 members shall be appointed by the
15 President pro tempore of the Senate, on the
16 joint recommendation of the majority leader of
17 the Senate and the minority leader of the Sen-
18 ate.

19 (3) PERIOD OF APPOINTMENT; VACANCIES.—
20 Members shall be appointed for the life of the Com-
21 mission. A vacancy in the Commission shall not af-
22 fect its powers, but shall be filled in the same man-
23 ner as the original appointment was made.

24 (4) MEETINGS.—

1 (A) FIRST MEETING.—The President shall
2 call the first meeting of the Commission not
3 later than the later of—

4 (i) 60 days after the date of enact-
5 ment of this section; or

6 (ii) 30 days after the date of enact-
7 ment of legislation making appropriations
8 to carry out this section.

9 (B) SUBSEQUENT MEETINGS.—Except as
10 provided in subparagraph (A), the Commission
11 shall meet at the call of the Chairperson.

12 (5) QUORUM.—Five members of the Commis-
13 sion shall constitute a quorum, but a lesser number
14 of members may hold hearings.

15 (6) CHAIRPERSON AND VICE CHAIRPERSON.—
16 The Commission shall elect a Chairperson and Vice
17 Chairperson from among its members. The Chair-
18 person and Vice Chairperson shall serve for the life
19 of the Commission.

20 (d) DUTIES OF THE COMMISSION.—

21 (1) IN GENERAL.—The Commission shall—

22 (A) extend the study of the Commission on
23 Wartime Relocation and Internment of Civil-
24 ians, established by the Commission on War-

1 time Relocation and Internment of Civilians
2 Act—

3 (i) to investigate and determine facts
4 and circumstances surrounding the United
5 States' relocation, internment, and depor-
6 tation to Axis countries of Latin Ameri-
7 cans of Japanese descent from December
8 1941 through February 1948, and the im-
9 pact of those actions by the United States;
10 and

11 (ii) in investigating those facts and
12 circumstances, to review directives of the
13 United States Armed Forces and the De-
14 partment of State requiring the relocation,
15 detention in internment camps, and depor-
16 tation to Axis countries of Latin Ameri-
17 cans of Japanese descent; and

18 (B) recommend appropriate remedies, if
19 any, based on preliminary findings by the origi-
20 nal Commission and new discoveries.

21 (2) REPORT.—Not later than 1 year after the
22 date of the first meeting of the Commission pursu-
23 ant to subsection (c)(4)(A), the Commission shall
24 submit a written report to Congress, which shall
25 contain findings resulting from the investigation

1 conducted under paragraph (1)(A) and recommenda-
2 tions described in paragraph (1)(B).

3 (e) POWERS OF THE COMMISSION.—

4 (1) HEARINGS.—The Commission or, at its di-
5 rection, any subcommittee or member of the Com-
6 mission, may, for the purpose of carrying out this
7 section—

8 (A) hold such public hearings in such cities
9 and countries, sit and act at such times and
10 places, take such testimony, receive such evi-
11 dence, and administer such oaths as the Com-
12 mission or such subcommittee or member con-
13 siders advisable; and

14 (B) require, by subpoena or otherwise, the
15 attendance and testimony of such witnesses and
16 the production of such books, records, cor-
17 respondence, memoranda, papers, documents,
18 tapes, and materials as the Commission or such
19 subcommittee or member considers advisable.

20 (2) ISSUANCE AND ENFORCEMENT OF SUB-
21 POENAS.—

22 (A) ISSUANCE.—Subpoenas issued under
23 paragraph (1) shall bear the signature of the
24 Chairperson of the Commission and shall be

1 served by any person or class of persons des-
2 ignated by the Chairperson for that purpose.

3 (B) ENFORCEMENT.—In the case of contu-
4 macy or failure to obey a subpoena issued
5 under paragraph (1), the United States district
6 court for the judicial district in which the sub-
7 poenaed person resides, is served, or may be
8 found may issue an order requiring such person
9 to appear at any designated place to testify or
10 to produce documentary or other evidence. Any
11 failure to obey the order of the court may be
12 punished by the court as a contempt of that
13 court.

14 (3) WITNESS ALLOWANCES AND FEES.—Section
15 1821 of title 28, United States Code, shall apply to
16 witnesses requested or subpoenaed to appear at any
17 hearing of the Commission. The per diem and mile-
18 age allowances for witnesses shall be paid from
19 funds available to pay the expenses of the Commis-
20 sion.

21 (4) INFORMATION FROM FEDERAL AGENCIES.—
22 The Commission may secure directly from any Fed-
23 eral department or agency such information as the
24 Commission considers necessary to perform its du-
25 ties. Upon request of the Chairperson of the Com-

1 mission, the head of such department or agency
2 shall furnish such information to the Commission.

3 (5) POSTAL SERVICES.—The Commission may
4 use the United States mails in the same manner and
5 under the same conditions as other departments and
6 agencies of the Federal Government.

7 (f) PERSONNEL AND ADMINISTRATIVE PROVI-
8 SIONS.—

9 (1) COMPENSATION OF MEMBERS.—Each mem-
10 ber of the Commission who is not an officer or em-
11 ployee of the Federal Government shall be com-
12 pensated at a rate equal to the daily equivalent of
13 the annual rate of basic pay prescribed for level IV
14 of the Executive Schedule under section 5315 of title
15 5, United States Code, for each day (including travel
16 time) during which such member is engaged in the
17 performance of the duties of the Commission. All
18 members of the Commission who are officers or em-
19 ployees of the United States shall serve without com-
20 pensation in addition to that received for their serv-
21 ices as officers or employees of the United States.

22 (2) TRAVEL EXPENSES.—The members of the
23 Commission shall be allowed travel expenses, includ-
24 ing per diem in lieu of subsistence, at rates author-
25 ized for employees of agencies under subchapter I of

1 chapter 57 of title 5, United States Code, while
2 away from their homes or regular places of business
3 in the performance of services for the Commission.

4 (3) STAFF.—

5 (A) IN GENERAL.—The Chairperson of the
6 Commission may, without regard to the civil
7 service laws and regulations, appoint and termi-
8 nate the employment of such personnel as may
9 be necessary to enable the Commission to per-
10 form its duties.

11 (B) COMPENSATION.—The Chairperson of
12 the Commission may fix the compensation of
13 the personnel without regard to chapter 51 and
14 subchapter III of chapter 53 of title 5, United
15 States Code, relating to classification of posi-
16 tions and General Schedule pay rates, except
17 that the rate of pay for the personnel may not
18 exceed the rate payable for level V of the Exec-
19 utive Schedule under section 5316 of such title.

20 (4) DETAIL OF GOVERNMENT EMPLOYEES.—

21 Any Federal Government employee may be detailed
22 to the Commission without reimbursement, and such
23 detail shall be without interruption or loss of civil
24 service status or privilege.

1 (5) PROCUREMENT OF TEMPORARY AND INTER-
2 MITTENT SERVICES.—The Chairperson of the Com-
3 mission may procure temporary and intermittent
4 services under section 3109(b) of title 5, United
5 States Code, at rates for individuals that do not ex-
6 ceed the daily equivalent of the annual rate of basic
7 pay prescribed for level V of the Executive Schedule
8 under section 5316 of such title.

9 (6) OTHER ADMINISTRATIVE MATTERS.—The
10 Commission may—

11 (A) enter into agreements with the Admin-
12 istrator of General Services to procure nec-
13 essary financial and administrative services;

14 (B) enter into contracts to procure sup-
15 plies, services, and property; and

16 (C) enter into contracts with Federal,
17 State, or local agencies, or private institutions
18 or organizations, for the conduct of research or
19 surveys, the preparation of reports, and other
20 activities necessary to enable the Commission to
21 perform its duties.

22 (g) TERMINATION.—The Commission shall terminate
23 90 days after the date on which the Commission submits
24 its report to Congress under subsection (d)(2).

25 (h) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) IN GENERAL.—There are authorized to be
2 appropriated such sums as may be necessary to
3 carry out this section.

4 (2) AVAILABILITY.—Any sums appropriated
5 under the authorization contained in this subsection
6 shall remain available, without fiscal year limitation,
7 until expended.

8 SEC. 540. (a) Using funds appropriated to the Legal
9 Services Corporation (“Corporation”) in this Act, the Cor-
10 poration shall comply with, and ensure that recipients and
11 recipient attorneys comply with, the corresponding rec-
12 ommendations contained in the provisions of—

13 (1) the report entitled “Governance and Ac-
14 countability Practices Need to Be Modernized and
15 Strengthened”, GAO–07–993, issued August 2007
16 by the Government Accountability Office;

17 (2) the report entitled “Improved Internal Con-
18 trols Needed in Grants Management and Oversight”,
19 GAO–08–37, issued December 2007 by the Govern-
20 ment Accountability Office;

21 (3) the report entitled “Selected Internal Con-
22 trols at Legal Services NYC”, Report No. AU09–01,
23 issued December 11, 2008 by the Office of Inspector
24 General of the Corporation;

1 (4) the report entitled “Selected Internal Con-
2 trols at Legal Aid and Defender Association, Inc.”,
3 Report No. AU09–02, issued February 5, 2009 by
4 that Office of Inspector General;

5 (5) the report entitled “Selected Internal Con-
6 trols at California Indian Legal Services”, Report
7 No. AU09–03, issued March 27, 2009 by that Office
8 of Inspector General;

9 (6) the report entitled “Selected Internal Con-
10 trols at Legal Assistance Foundation of Metropoli-
11 tan Chicago”, Report No. AU08–05, issued Sep-
12 tember 30, 2008 by that Office of Inspector General;

13 (7) the report entitled “Selected Internal Con-
14 trols at Philadelphia Legal Assistance Center”, Re-
15 port No. AU08–04, issued August 14, 2008 by that
16 Office of Inspector General;

17 (8) the report entitled “Legal Services Corpora-
18 tion FY 2008 Financial Statement Audit Report”,
19 issued January 28, 2009 by that Office of Inspector
20 General;

21 (9) the report entitled “Audit of Legal Services
22 Corporation’s Consultant Contract”, Report No.
23 AU09–05, issued July 7, 2009 by that Office of In-
24 spector General;

1 (10) the report entitled “Selected Internal Con-
2 trols at Legal Aid of Northwest Texas”, Report No.
3 AU09–06, issued August 10, 2009 by that Office of
4 Inspector General; and

5 (11) the report entitled “Protocol for the Ac-
6 ceptance and Use of Private Contributions to LSC”,
7 issued August 2008 by the Audit Committee of the
8 Board of Directors of the Corporation.

9 (b) The Corporation may not expend \$5,000,000 of
10 the funds described in subsection (a) until the President
11 and the Chairman submit the certification described in
12 subsection (c).

13 (c) The President and the Chairman shall, not later
14 than 30 days after enactment of this Act, determine
15 whether the Corporation has met the requirements of sub-
16 section (a). The President and the Chairman shall make
17 the determination based on the standards, best manage-
18 ment practices, and guidelines in the provisions described
19 in subsection (a). If the President and the Chairman de-
20 termine that the Corporation has met the requirements,
21 the President and the Chairman shall submit a certifi-
22 cation to the Committee on Appropriations of the House
23 of Representatives, and the Committee on Appropriations
24 of the Senate. Upon the President’s and the Chairman’s

1 joint submission of the certification, the Corporation may
2 expend the amount described in subsection (b).

3 (d) In this section, the terms “Corporation” and “re-
4 cipient” have the meanings given the terms in section
5 1002 of the Legal Services Corporation Act (42 U.S.C.
6 2996a).

7 (e) In this section, the terms “President” and
8 “Chairman” refer to the President of the Legal Services
9 Corporation and the Chairman of the Board of the Legal
10 Services Corporation.

11 SEC. 541. Chapter 85 of title 18, United States Code,
12 is amended in section 1761—

13 (1) by striking “non-Federal” in subsection
14 (c)(1);

15 (2) by redesignating subsection (d) as sub-
16 section (e); and

17 (3) by adding after subsection (c) the following
18 new subsection:

19 “(d) This chapter shall not apply to goods, wares, or
20 merchandise manufactured, produced, mined or assembled
21 by convicts or prisoners who are participating in any pilot
22 project approved by the Federal Prison Industries Board
23 of Directors, which are currently, or would otherwise be,
24 manufactured, produced, mined, or assembled outside the
25 United States.”.

1 NATIONAL CRIMINAL JUSTICE COMMISSION ACT OF 2010

2 SEC. 542. (a) SHORT TITLE.—This section may be
3 cited as the “National Criminal Justice Commission Act
4 of 2010”.

5 (b) FINDINGS.—Congress finds that—

6 (1) it is in the interest of the Nation to estab-
7 lish a commission to undertake a comprehensive re-
8 view of the criminal justice system;

9 (2) there has not been a comprehensive study
10 since the President’s Commission on Law Enforce-
11 ment and Administration of Justice was established
12 in 1965;

13 (3) that commission, in a span of 18 months,
14 produced a comprehensive report entitled “The
15 Challenge of Crime in a Free Society,” which con-
16 tained 200 specific recommendations on all aspects
17 of the criminal justice system involving Federal,
18 State, tribal, and local governments, civic organiza-
19 tions, religious institutions, business groups, and in-
20 dividual citizens; and

21 (4) developments over the intervening 45 years
22 require once again that Federal, State, tribal, and
23 local governments, civic organizations, religious in-
24 stitutions, business groups, and individual citizens

1 come together to review evidence and consider how
2 to improve the criminal justice system.

3 (c) ESTABLISHMENT OF COMMISSION.—There is es-
4 tablished a commission to be known as the “National
5 Criminal Justice Commission” (referred to in this section
6 as the “Commission”).

7 (d) PURPOSE OF THE COMMISSION.—The Commis-
8 sion shall undertake a comprehensive review of the crimi-
9 nal justice system, encompassing current Federal, State,
10 local, and tribal criminal justice policies and practices, and
11 make reform recommendations for the President, Con-
12 gress, State, local, and tribal governments.

13 (e) REVIEW AND RECOMMENDATIONS.—

14 (1) GENERAL REVIEW.—The Commission shall
15 undertake a comprehensive review of all areas of the
16 criminal justice system, including Federal, State,
17 local, and tribal governments’ criminal justice costs,
18 practices, and policies.

19 (2) FINDINGS AND RECOMMENDATIONS.—After
20 conducting a review of the United States criminal
21 justice system as required by paragraph (1), the
22 Commission shall make findings regarding such re-
23 view and recommendations for changes in oversight,
24 policies, practices, and laws designed to prevent,
25 deter, and reduce crime and violence, reduce recidi-

1 vism, improve cost-effectiveness, and ensure the in-
2 terests of justice at every step of the criminal justice
3 system.

4 (3) PRIOR COMMISSIONS.—The Commission
5 shall take into consideration the work of prior rel-
6 evant commissions in conducting its review.

7 (4) STATE AND LOCAL GOVERNMENT.—In mak-
8 ing its recommendations, the Commission should
9 consider the financial and human resources of State
10 and local governments. Recommendations shall not
11 infringe on the legitimate rights of the States to de-
12 termine their own criminal laws or the enforcement
13 of such laws.

14 (5) PUBLIC HEARINGS.—The Commission shall
15 conduct public hearings in various locations around
16 the United States.

17 (6) CONSULTATION WITH GOVERNMENT AND
18 NONGOVERNMENT REPRESENTATIVES.—

19 (A) IN GENERAL.—The Commission
20 shall—

21 (i) closely consult with Federal, State,
22 local, and tribal government and non-
23 governmental leaders, including State,
24 local, and tribal law enforcement officials,
25 legislators, public health officials, judges,

1 court administrators, prosecutors, defense
2 counsel, victims' rights organizations, pro-
3 bation and parole officials, criminal justice
4 planners, criminologists, civil rights and
5 liberties organizations, formerly incarcerated
6 individuals, professional organiza-
7 tions, and corrections officials; and

8 (ii) include in the final report required
9 by paragraph (7) summaries of the input
10 and recommendations of these leaders.

11 (B) UNITED STATES SENTENCING COMMIS-
12 SION.—To the extent the review and rec-
13 ommendations required by this section relate to
14 sentencing policies and practices for the Federal
15 criminal justice system, the Commission shall
16 conduct such review and make such rec-
17 ommendations in consultation with the United
18 States Sentencing Commission.

19 (7) REPORT.—

20 (A) REPORT.—Not later than 18 months
21 after the first meeting of the Commission, the
22 Commission shall prepare and submit a final
23 report that contains a detailed statement of
24 findings, conclusions, and recommendations of

1 the Commission to Congress, the President,
2 State, local, and tribal governments.

3 (B) GOAL OF UNANIMITY.—It is the sense
4 of the Congress that, given the national impor-
5 tance of the matters before the Commission, the
6 Commission should work toward unanimously
7 supported findings and recommendations.

8 (C) PUBLIC AVAILABILITY.—The report
9 submitted under this paragraph shall be made
10 available to the public.

11 (D) VOTES ON RECOMMENDATIONS IN RE-
12 PORT.—Consistent with paragraph (2), the
13 Commission shall state the vote total for each
14 recommendation contained in its report to Con-
15 gress.

16 (f) MEMBERSHIP.—

17 (1) IN GENERAL.—The Commission shall be
18 composed of 14 members, as follows:

19 (A) 1 member shall be appointed by the
20 President, who shall serve as co-chairman of the
21 Commission;

22 (B) 1 member shall be appointed by the
23 leader of the Senate (majority or minority lead-
24 er, as the case may be) of the Republican
25 Party, in consultation with the leader of the

1 House of Representatives (majority or minority
2 leader, as the case may be) of the Republican
3 Party, who shall serve as co-chairman of the
4 Commission;

5 (C) 2 members shall be appointed by the
6 senior member of the Senate leadership of the
7 Democratic Party, in consultation with the
8 Democratic leadership of the Committee on the
9 Judiciary.

10 (D) 2 members shall be appointed by the
11 senior member of the Senate leadership of the
12 Republican Party, in consultation with the Re-
13 publican leadership of the Committee on the
14 Judiciary.

15 (E) 2 members shall be appointed by the
16 senior member of the leadership of the House
17 of Representatives of the Republican Party, in
18 consultation with the Republican leadership of
19 the Committee on the Judiciary.

20 (F) 2 members shall be appointed by the
21 senior member of the leadership of the House
22 of Representatives of the Democratic Party, in
23 consultation with the Democratic leadership of
24 the Committee on the Judiciary.

1 (G) 2 members, who shall be State and
2 local representatives, shall be appointed by the
3 President in agreement with leader of the Sen-
4 ate (majority or minority leader, as the case
5 may be) of the Republican Party and the leader
6 of the House of Representatives (majority or
7 minority leader, as the case may be) of the Re-
8 publican Party.

9 (H) 2 members, who shall be State and
10 local representatives, shall be appointed by the
11 President in agreement with leader of the Sen-
12 ate (majority or minority leader, as the case
13 may be) of the Democratic Party and the leader
14 of the House of Representatives (majority or
15 minority leader, as the case may be) of the
16 Democratic Party.

17 (2) MEMBERSHIP.—

18 (A) QUALIFICATIONS.—The individuals ap-
19 pointed from private life as members of the
20 Commission shall be individuals with distin-
21 guished reputations for integrity and non-
22 partisanship who are nationally recognized for
23 expertise, knowledge, or experience in such rel-
24 evant areas as—

25 (i) law enforcement;

- 1 (ii) criminal justice;
- 2 (iii) national security;
- 3 (iv) prison and jail administration;
- 4 (v) prisoner reentry;
- 5 (vi) public health, including physical
- 6 and sexual victimization, drug addiction
- 7 and mental health;
- 8 (vii) victims' rights;
- 9 (viii) civil liberties;
- 10 (ix) court administration;
- 11 (x) social services; and
- 12 (xi) State, local, and tribal govern-
- 13 ment.

14 (B) DISQUALIFICATION.—An individual
15 shall not be appointed as a member of the Com-
16 mission if such individual possesses any per-
17 sonal financial interest in the discharge of any
18 of the duties of the Commission.

19 (C) TERMS.—Members shall be appointed
20 for the life of the Commission.

21 (3) APPOINTMENT; FIRST MEETING.—

22 (A) APPOINTMENT.—Members of the Com-
23 mission shall be appointed not later than 45
24 days after the date of the enactment of this
25 Act.

1 (B) FIRST MEETING.—The Commission
2 shall hold its first meeting on the date that is
3 60 days after the date of enactment of this Act,
4 or not later than 30 days after the date on
5 which funds are made available for the Com-
6 mission, whichever is later.

7 (C) ETHICS.—At the first meeting of the
8 Commission, the Commission shall draft appro-
9 priate ethics guidelines for commissioners and
10 staff, including guidelines relating to conflict of
11 interest and financial disclosure. The Commis-
12 sion shall consult with the Senate and House
13 Committees on the Judiciary as a part of draft-
14 ing the guidelines and furnish the Committees
15 with a copy of the completed guidelines.

16 (4) MEETINGS; QUORUM; VACANCIES.—

17 (A) MEETINGS.—The Commission shall
18 meet at the call of the co-chairs or a majority
19 of its members.

20 (B) QUORUM.—Seven members of the
21 Commission, including at least 2 members cho-
22 sen by either the senior member of the Senate
23 leadership of the Democratic Party, the senior
24 member of the leadership of the House of Rep-
25 resentatives of the Democratic Party, or the

1 senior member of the Senate leadership of the
2 Democratic Party and the senior member of the
3 leadership of the House of Representatives of
4 the Democratic Party in agreement with the
5 President and 2 members chosen by either the
6 senior member of the Senate leadership of the
7 Republican Party, the senior member of the
8 leadership of the House of Representatives of
9 the Republican Party, or the senior member of
10 the Senate leadership of the Republican Party
11 and the senior member of the leadership of the
12 House of Representatives of the Republican
13 Party in agreement with the President, shall
14 constitute a quorum for purposes of conducting
15 business, except that 2 members of the Com-
16 mission shall constitute a quorum for purposes
17 of receiving testimony.

18 (C) VACANCIES.—Any vacancy in the Com-
19 mission shall not affect its powers, but shall be
20 filled in the same manner in which the original
21 appointment was made. If vacancies in the
22 Commission occur on any day after 45 days
23 after the date of the enactment of this Act, a
24 quorum shall consist of a majority of the mem-
25 bers of the Commission as of such day, so long

1 as at least 1 Commission member chosen by a
2 member of each party, Republican and Demo-
3 cratic, is present.

4 (5) ACTIONS OF COMMISSION.—

5 (A) IN GENERAL.—The Commission—

6 (i) shall act by resolution agreed to by
7 a majority of the members of the Commis-
8 sion voting and present; and

9 (ii) may establish panels composed of
10 less than the full membership of the Com-
11 mission for purposes of carrying out the
12 duties of the Commission under this title—

13 (I) which shall be subject to the
14 review and control of the Commission;
15 and

16 (II) any findings and determina-
17 tions made by such a panel shall not
18 be considered the findings and deter-
19 minations of the Commission unless
20 approved by the Commission.

21 (B) DELEGATION.—Any member, agent, or
22 staff of the Commission may, if authorized by
23 the co-chairs of the Commission, take any ac-
24 tion which the Commission is authorized to take
25 pursuant to this section.

1 (g) ADMINISTRATION.—

2 (1) STAFF.—

3 (A) EXECUTIVE DIRECTOR.—The Commis-
4 sion shall have a staff headed by an Executive
5 Director. The Executive Director shall be paid
6 at a rate established for the Certified Plan pay
7 level for the Senior Executive Service under sec-
8 tion 5382 of title 5, United States Code.

9 (B) APPOINTMENT AND COMPENSATION.—

10 The co-chairs of the Commission shall designate
11 and fix the compensation of the Executive Di-
12 rector and, in accordance with rules agreed
13 upon by the Commission, may appoint and fix
14 the compensation of such other personnel as
15 may be necessary to enable the Commission to
16 carry out its functions, without regard to the
17 provisions of title 5, United States Code, gov-
18 erning appointments in the competitive service,
19 and without regard to the provisions of chapter
20 51 and subchapter III of chapter 53 of such
21 title relating to classification and General
22 Schedule pay rates, except that no rate of pay
23 fixed under this paragraph may exceed the
24 equivalent of that payable for a position at level

1 V of the Executive Schedule under section 5316
2 of title 5, United States Code.

3 (C) PERSONNEL AS FEDERAL EMPLOY-
4 EES.—

5 (i) IN GENERAL.—The executive di-
6 rector and any personnel of the Commis-
7 sion who are employees shall be employees
8 under section 2105 of title 5, United
9 States Code, for purposes of chapters 63,
10 81, 83, 84, 85, 87, 89, and 90 of that title.

11 (ii) MEMBERS OF COMMISSION.—
12 Clause (i) shall not be construed to apply
13 to members of the Commission.

14 (D) THE COMPENSATION OF COMMIS-
15 SIONERS.—Each member of the Commission
16 may be compensated at not to exceed the daily
17 equivalent of the annual rate of basic pay in ef-
18 fect for a position at level V of the Executive
19 Schedule under section 5315 of title 5, United
20 States Code, for each day during which that
21 member is engaged in the actual performance of
22 the duties of the Commission. All members of
23 the Commission who are officers or employees
24 of the United States , State, or local govern-
25 ment shall serve without compensation in addi-

1 tion to that received for their services as offi-
2 cers or employees.

3 (E) TRAVEL EXPENSES.—While away from
4 their homes or regular places of business in the
5 performance of services for the Commission,
6 members of the Commission shall be allowed
7 travel expenses, including per diem in lieu of
8 subsistence, in the same manner as persons em-
9 ployed intermittently in the Government service
10 are allowed expenses under section 5703(b) of
11 title 5, United States Code.

12 (2) EXPERTS AND CONSULTANTS.—With the
13 approval of the Commission, the Executive Director
14 may procure temporary and intermittent services
15 under section 3109(b) of title 5, United States Code.

16 (3) DETAIL OF GOVERNMENT EMPLOYEES.—
17 Upon the request of the Commission, the head of
18 any Federal agency may detail, without reimburse-
19 ment, any of the personnel of such agency to the
20 Commission to assist in carrying out the duties of
21 the Commission. Any such detail shall not interrupt
22 or otherwise affect the civil service status or privi-
23 leges of the Federal employee.

24 (4) OTHER RESOURCES.—The Commission
25 shall have reasonable access to materials, resources,

1 statistical data, and other information such Commis-
2 sion determines to be necessary to carry out its du-
3 ties from the Library of Congress, the Department
4 of Justice, the Office of National Drug Control Pol-
5 icy, the Department of State, and other agencies of
6 the executive and legislative branches of the Federal
7 Government. The co-chairs of the Commission shall
8 make requests for such access in writing when nec-
9 essary.

10 (5) VOLUNTEER SERVICES.—Notwithstanding
11 the provisions of section 1342 of title 31, United
12 States Code, the Commission is authorized to accept
13 and utilize the services of volunteers serving without
14 compensation. The Commission may reimburse such
15 volunteers for local travel and office supplies, and
16 for other travel expenses, including per diem in lieu
17 of subsistence, as authorized by section 5703 of title
18 5, United States Code. A person providing volunteer
19 services to the Commission shall be considered an
20 employee of the Federal Government in performance
21 of those services for the purposes of chapter 81 of
22 title 5 of the United States Code, relating to com-
23 pensation for work-related injuries, chapter 171 of
24 title 28 of the United States Code, relating to tort

1 claims, and chapter 11 of title 18 of the United
2 States Code, relating to conflicts of interest.

3 (6) OBTAINING OFFICIAL DATA.—The Commis-
4 sion may secure directly from any agency of the
5 United States information necessary to enable it to
6 carry out this section. Upon the request of the co-
7 chairs of the Commission, the head of that depart-
8 ment or agency shall furnish that information to the
9 Commission. The Commission shall not have access
10 to sensitive information regarding ongoing investiga-
11 tions.

12 (7) MAILS.—The Commission may use the
13 United States mails in the same manner and under
14 the same conditions as other departments and agen-
15 cies of the United States.

16 (8) ADMINISTRATIVE REPORTING.—The Com-
17 mission shall issue bi-annual status reports to Con-
18 gress regarding the use of resources, salaries, and all
19 expenditures of appropriated funds.

20 (9) CONTRACTS.—The Commission is author-
21 ized to enter into contracts with Federal and State
22 agencies, private firms, institutions, and individuals
23 for the conduct of activities necessary to the dis-
24 charge of its duties and responsibilities. A contract,
25 lease or other legal agreement entered into by the

1 Commission may not extend beyond the date of the
2 termination of the Commission.

3 (10) GIFTS.—Subject to existing law, the Com-
4 mission may accept, use, and dispose of gifts or do-
5 nations of services or property.

6 (11) ADMINISTRATIVE ASSISTANCE.—The Ad-
7 ministrator of General Services shall provide to the
8 Commission, on a reimbursable basis, the adminis-
9 trative support services necessary for the Commis-
10 sion to carry out its responsibilities under this sec-
11 tion. These administrative services may include
12 human resource management, budget, leasing, ac-
13 counting, and payroll services.

14 (12) NONAPPLICABILITY OF FACA AND PUBLIC
15 ACCESS TO MEETINGS AND MINUTES.—

16 (A) IN GENERAL.—The Federal Advisory
17 Committee Act (5 U.S.C. App.) shall not apply
18 to the Commission.

19 (B) MEETINGS AND MINUTES.—

20 (i) MEETINGS.—

21 (I) ADMINISTRATION.—All meet-
22 ings of the Commission shall be open
23 to the public, except that a meeting or
24 any portion of it may be closed to the
25 public if it concerns matters or infor-

1 mation described in section 552b(c) of
2 title 5, United States Code. Interested
3 persons shall be permitted to appear
4 at open meetings and present oral or
5 written statements on the subject
6 matter of the meeting. The Commis-
7 sion may administer oaths or affirma-
8 tions to any person appearing before
9 it.

10 (II) NOTICE.—All open meetings
11 of the Commission shall be preceded
12 by timely public notice in the Federal
13 Register of the time, place, and sub-
14 ject of the meeting.

15 (ii) MINUTES AND PUBLIC AVAIL-
16 ABILITY.—Minutes of each open meeting
17 shall be kept and shall contain a record of
18 the people present, a description of the dis-
19 cussion that occurred, and copies of all
20 statements filed. The minutes and records
21 of all open meetings and other documents
22 that were made available to or prepared
23 for the Commission shall be available for
24 public inspection and copying at a single
25 location in the offices of the Commission.

1 (13) ARCHIVING.—Not later than the date of
2 termination of the Commission, all records and pa-
3 pers of the Commission shall be delivered to the Ar-
4 chivist of the United States for deposit in the Na-
5 tional Archives.

6 (h) AUTHORIZATION OF APPROPRIATIONS.—

7 (1) IN GENERAL.—There are authorized to be
8 appropriated for fiscal years 2011 and 2012 such
9 sums are as necessary to carry out the purposes of
10 this section, not to exceed \$7,000,000 per year for
11 each fiscal year, and not more than \$14,000,000
12 total. None of the funds appropriated under this sec-
13 tion may be utilized for international travel.

14 (2) AVAILABILITY.—Any sums appropriated
15 under the paragraph (1) shall remain available,
16 without fiscal year limitation, until expended.

17 (i) SUNSET.—The Commission shall terminate 60
18 days after it submits its report to Congress.

19 This division may be cited as the “Commerce, Jus-
20 tice, Science, and Related Agencies Appropriations Act,
21 2011”.

1 **DIVISION C—DEPARTMENT OF DEFENSE**
2 **APPROPRIATIONS ACT, 2011**

3 TITLE I

4 MILITARY PERSONNEL

5 MILITARY PERSONNEL, ARMY

6 For pay, allowances, individual clothing, subsistence,
7 interest on deposits, gratuities, permanent change of sta-
8 tion travel (including all expenses thereof for organiza-
9 tional movements), and expenses of temporary duty travel
10 between permanent duty stations, for members of the
11 Army on active duty, (except members of reserve compo-
12 nents provided for elsewhere), cadets, and aviation cadets;
13 for members of the Reserve Officers' Training Corps; and
14 for payments pursuant to section 156 of Public Law 97-
15 377, as amended (42 U.S.C. 402 note), and to the Depart-
16 ment of Defense Military Retirement Fund,
17 \$41,042,653,000.

18 MILITARY PERSONNEL, NAVY

19 For pay, allowances, individual clothing, subsistence,
20 interest on deposits, gratuities, permanent change of sta-
21 tion travel (including all expenses thereof for organiza-
22 tional movements), and expenses of temporary duty travel
23 between permanent duty stations, for members of the
24 Navy on active duty (except members of the Reserve pro-
25 vided for elsewhere), midshipmen, and aviation cadets; for

1 members of the Reserve Officers' Training Corps; and for
2 payments pursuant to section 156 of Public Law 97-377,
3 as amended (42 U.S.C. 402 note), and to the Department
4 of Defense Military Retirement Fund, \$25,912,449,000.

5 MILITARY PERSONNEL, MARINE CORPS

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

16 MILITARY PERSONNEL, AIR FORCE

17 For pay, allowances, individual clothing, subsistence,
18 interest on deposits, gratuities, permanent change of sta-
19 tion travel (including all expenses thereof for organiza-
20 tional movements), and expenses of temporary duty travel
21 between permanent duty stations, for members of the Air
22 Force on active duty (except members of reserve compo-
23 nents provided for elsewhere), cadets, and aviation cadets;
24 for members of the Reserve Officers' Training Corps; and
25 for payments pursuant to section 156 of Public Law 97-

1 377, as amended (42 U.S.C. 402 note), and to the Depart-
2 ment of Defense Military Retirement Fund,
3 \$27,105,755,000.

4 RESERVE PERSONNEL, ARMY

5 For pay, allowances, clothing, subsistence, gratuities,
6 travel, and related expenses for personnel of the Army Re-
7 serve on active duty under sections 10211, 10302, and
8 3038 of title 10, United States Code, or while serving on
9 active duty under section 12301(d) of title 10, United
10 States Code, in connection with performing duty specified
11 in section 12310(a) of title 10, United States Code, or
12 while undergoing reserve training, or while performing
13 drills or equivalent duty or other duty, and expenses au-
14 thorized by section 16131 of title 10, United States Code;
15 and for payments to the Department of Defense Military
16 Retirement Fund, \$4,333,165,000.

17 RESERVE PERSONNEL, NAVY

18 For pay, allowances, clothing, subsistence, gratuities,
19 travel, and related expenses for personnel of the Navy Re-
20 serve on active duty under section 10211 of title 10,
21 United States Code, or while serving on active duty under
22 section 12301(d) of title 10, United States Code, in con-
23 nection with performing duty specified in section 12310(a)
24 of title 10, United States Code, or while undergoing re-
25 serve training, or while performing drills or equivalent

1 duty, and expenses authorized by section 16131 of title
2 10, United States Code; and for payments to the Depart-
3 ment of Defense Military Retirement Fund,
4 \$1,940,191,000.

5 RESERVE PERSONNEL, MARINE CORPS

6 For pay, allowances, clothing, subsistence, gratuities,
7 travel, and related expenses for personnel of the Marine
8 Corps Reserve on active duty under section 10211 of title
9 10, United States Code, or while serving on active duty
10 under section 12301(d) of title 10, United States Code,
11 in connection with performing duty specified in section
12 12310(a) of title 10, United States Code, or while under-
13 going reserve training, or while performing drills or equiv-
14 alent duty, and for members of the Marine Corps platoon
15 leaders class, and expenses authorized by section 16131
16 of title 10, United States Code; and for payments to the
17 Department of Defense Military Retirement Fund,
18 \$612,191,000.

19 RESERVE PERSONNEL, AIR FORCE

20 For pay, allowances, clothing, subsistence, gratuities,
21 travel, and related expenses for personnel of the Air Force
22 Reserve on active duty under sections 10211, 10305, and
23 8038 of title 10, United States Code, or while serving on
24 active duty under section 12301(d) of title 10, United
25 States Code, in connection with performing duty specified

1 in section 12310(a) of title 10, United States Code, or
2 while undergoing reserve training, or while performing
3 drills or equivalent duty or other duty, and expenses au-
4 thorized by section 16131 of title 10, United States Code;
5 and for payments to the Department of Defense Military
6 Retirement Fund, \$1,650,797,000.

7 NATIONAL GUARD PERSONNEL, ARMY

8 For pay, allowances, clothing, subsistence, gratuities,
9 travel, and related expenses for personnel of the Army Na-
10 tional Guard while on duty under section 10211, 10302,
11 or 12402 of title 10 or section 708 of title 32, United
12 States Code, or while serving on duty under section
13 12301(d) of title 10 or section 502(f) of title 32, United
14 States Code, in connection with performing duty specified
15 in section 12310(a) of title 10, United States Code, or
16 while undergoing training, or while performing drills or
17 equivalent duty or other duty, and expenses authorized by
18 section 16131 of title 10, United States Code; and for pay-
19 ments to the Department of Defense Military Retirement
20 Fund, \$7,514,896,000.

21 NATIONAL GUARD PERSONNEL, AIR FORCE

22 For pay, allowances, clothing, subsistence, gratuities,
23 travel, and related expenses for personnel of the Air Na-
24 tional Guard on duty under section 10211, 10305, or
25 12402 of title 10 or section 708 of title 32, United States

1 Code, or while serving on duty under section 12301(d) of
2 title 10 or section 502(f) of title 32, United States Code,
3 in connection with performing duty specified in section
4 12310(a) of title 10, United States Code, or while under-
5 going training, or while performing drills or equivalent
6 duty or other duty, and expenses authorized by section
7 16131 of title 10, United States Code; and for payments
8 to the Department of Defense Military Retirement Fund,
9 \$3,067,431,000.

10

TITLE II

11

OPERATION AND MAINTENANCE

12

OPERATION AND MAINTENANCE, ARMY

13

14 For expenses, not otherwise provided for, necessary
15 for the operation and maintenance of the Army, as author-
16 ized by law; and not to exceed \$12,478,000 can be used
17 for emergencies and extraordinary expenses, to be ex-
18 pended on the approval or authority of the Secretary of
19 the Army, and payments may be made on his certificate
20 of necessity for confidential military purposes,
21 \$33,351,597,000.

22

OPERATION AND MAINTENANCE, NAVY

23

24 For expenses, not otherwise provided for, necessary
25 for the operation and maintenance of the Navy and the
Marine Corps, as authorized by law; and not to exceed
\$14,804,000 can be used for emergencies and extraor-

1 dinary expenses, to be expended on the approval or author-
2 ity of the Secretary of the Navy, and payments may be
3 made on his certificate of necessity for confidential mili-
4 tary purposes, \$37,849,700,000.

5 OPERATION AND MAINTENANCE, MARINE CORPS

6 For expenses, not otherwise provided for, necessary
7 for the operation and maintenance of the Marine Corps,
8 as authorized by law, \$5,546,060,000.

9 OPERATION AND MAINTENANCE, AIR FORCE

10 For expenses, not otherwise provided for, necessary
11 for the operation and maintenance of the Air Force, as
12 authorized by law; and not to exceed \$7,699,000 can be
13 used for emergencies and extraordinary expenses, to be ex-
14 pended on the approval or authority of the Secretary of
15 the Air Force, and payments may be made on his certifi-
16 cate of necessity for confidential military purposes,
17 \$36,110,720,000.

18 OPERATION AND MAINTENANCE, DEFENSE-WIDE

19 (INCLUDING TRANSFER OF FUNDS)

20 For expenses, not otherwise provided for, necessary
21 for the operation and maintenance of activities and agen-
22 cies of the Department of Defense (other than the military
23 departments), as authorized by law, \$30,303,622,000:
24 *Provided*, That not more than \$50,000,000 may be used
25 for the Combatant Commander Initiative Fund authorized

1 under section 166a of title 10, United States Code: *Pro-*
2 *vided further*, That not to exceed \$36,000,000 can be used
3 for emergencies and extraordinary expenses, to be ex-
4 pended on the approval or authority of the Secretary of
5 Defense, and payments may be made on his certificate of
6 necessity for confidential military purposes: *Provided fur-*
7 *ther*, That of the funds provided under this heading, not
8 less than \$31,659,000 shall be made available for the Pro-
9 curement Technical Assistance Cooperative Agreement
10 Program, of which not less than \$3,600,000 shall be avail-
11 able for centers defined in 10 U.S.C. 2411(1)(D): *Pro-*
12 *vided further*, That none of the funds appropriated or oth-
13 erwise made available by this Act may be used to plan
14 or implement the consolidation of a budget or appropria-
15 tions liaison office of the Office of the Secretary of De-
16 fense, the office of the Secretary of a military department,
17 or the service headquarters of one of the Armed Forces
18 into a legislative affairs or legislative liaison office: *Pro-*
19 *vided further*, That \$8,251,000, to remain available until
20 expended, is available only for expenses relating to certain
21 classified activities, and may be transferred as necessary
22 by the Secretary of Defense to operation and maintenance
23 appropriations or research, development, test and evalua-
24 tion appropriations, to be merged with and to be available
25 for the same time period as the appropriations to which

1 transferred: *Provided further*, That any ceiling on the in-
2 vestment item unit cost of items that may be purchased
3 with operation and maintenance funds shall not apply to
4 the funds described in the preceding proviso: *Provided fur-*
5 *ther*, That the transfer authority provided under this head-
6 ing is in addition to any other transfer authority provided
7 elsewhere in this Act.

8 OPERATION AND MAINTENANCE, ARMY RESERVE

9 For expenses, not otherwise provided for, necessary
10 for the operation and maintenance, including training, or-
11 ganization, and administration, of the Army Reserve; re-
12 pair of facilities and equipment; hire of passenger motor
13 vehicles; travel and transportation; care of the dead; re-
14 cruiting; procurement of services, supplies, and equip-
15 ment; and communications, \$2,840,427,000.

16 OPERATION AND MAINTENANCE, NAVY RESERVE

17 For expenses, not otherwise provided for, necessary
18 for the operation and maintenance, including training, or-
19 ganization, and administration, of the Navy Reserve; re-
20 pair of facilities and equipment; hire of passenger motor
21 vehicles; travel and transportation; care of the dead; re-
22 cruiting; procurement of services, supplies, and equip-
23 ment; and communications, \$1,344,264,000.

1 OPERATION AND MAINTENANCE, MARINE CORPS

2 RESERVE

3 For expenses, not otherwise provided for, necessary
4 for the operation and maintenance, including training, or-
5 ganization, and administration, of the Marine Corps Re-
6 serve; repair of facilities and equipment; hire of passenger
7 motor vehicles; travel and transportation; care of the dead;
8 recruiting; procurement of services, supplies, and equip-
9 ment; and communications, \$275,484,000.

10 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

11 For expenses, not otherwise provided for, necessary
12 for the operation and maintenance, including training, or-
13 ganization, and administration, of the Air Force Reserve;
14 repair of facilities and equipment; hire of passenger motor
15 vehicles; travel and transportation; care of the dead; re-
16 cruiting; procurement of services, supplies, and equip-
17 ment; and communications, \$3,291,027,000.

18 OPERATION AND MAINTENANCE, ARMY NATIONAL

19 GUARD

20 For expenses of training, organizing, and admin-
21 istering the Army National Guard, including medical and
22 hospital treatment and related expenses in non-Federal
23 hospitals; maintenance, operation, and repairs to struc-
24 tures and facilities; hire of passenger motor vehicles; per-
25 sonnel services in the National Guard Bureau; travel ex-

1 penses (other than mileage), as authorized by law for
2 Army personnel on active duty, for Army National Guard
3 division, regimental, and battalion commanders while in-
4 specting units in compliance with National Guard Bureau
5 regulations when specifically authorized by the Chief, Na-
6 tional Guard Bureau; supplying and equipping the Army
7 National Guard as authorized by law; and expenses of re-
8 pair, modification, maintenance, and issue of supplies and
9 equipment (including aircraft), \$6,504,424,000.

10 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

11 For expenses of training, organizing, and admin-
12 istering the Air National Guard, including medical and
13 hospital treatment and related expenses in non-Federal
14 hospitals; maintenance, operation, and repairs to struc-
15 tures and facilities; transportation of things, hire of pas-
16 senger motor vehicles; supplying and equipping the Air
17 National Guard, as authorized by law; expenses for repair,
18 modification, maintenance, and issue of supplies and
19 equipment, including those furnished from stocks under
20 the control of agencies of the Department of Defense;
21 travel expenses (other than mileage) on the same basis as
22 authorized by law for Air National Guard personnel on
23 active Federal duty, for Air National Guard commanders
24 while inspecting units in compliance with National Guard

1 Bureau regulations when specifically authorized by the
2 Chief, National Guard Bureau, \$5,969,267,000.

3 UNITED STATES COURT OF APPEALS FOR THE ARMED
4 FORCES

5 For salaries and expenses necessary for the United
6 States Court of Appeals for the Armed Forces,
7 \$14,068,000, of which not to exceed \$5,000 may be used
8 for official representation purposes.

9 ENVIRONMENTAL RESTORATION, ARMY
10 (INCLUDING TRANSFER OF FUNDS)

11 For the Department of the Army, \$464,581,000, to
12 remain available until transferred: *Provided*, That the Sec-
13 retary of the Army shall, upon determining that such
14 funds are required for environmental restoration, reduc-
15 tion and recycling of hazardous waste, removal of unsafe
16 buildings and debris of the Department of the Army, or
17 for similar purposes, transfer the funds made available by
18 this appropriation to other appropriations made available
19 to the Department of the Army, to be merged with and
20 to be available for the same purposes and for the same
21 time period as the appropriations to which transferred:
22 *Provided further*, That upon a determination that all or
23 part of the funds transferred from this appropriation are
24 not necessary for the purposes provided herein, such
25 amounts may be transferred back to this appropriation:

1 *Provided further*, That the transfer authority provided
2 under this heading is in addition to any other transfer au-
3 thority provided elsewhere in this Act.

4 ENVIRONMENTAL RESTORATION, NAVY

5 (INCLUDING TRANSFER OF FUNDS)

6 For the Department of the Navy, \$304,867,000, to
7 remain available until transferred: *Provided*, That the Sec-
8 retary of the Navy shall, upon determining that such
9 funds are required for environmental restoration, reduc-
10 tion and recycling of hazardous waste, removal of unsafe
11 buildings and debris of the Department of the Navy, or
12 for similar purposes, transfer the funds made available by
13 this appropriation to other appropriations made available
14 to the Department of the Navy, to be merged with and
15 to be available for the same purposes and for the same
16 time period as the appropriations to which transferred:
17 *Provided further*, That upon a determination that all or
18 part of the funds transferred from this appropriation are
19 not necessary for the purposes provided herein, such
20 amounts may be transferred back to this appropriation:
21 *Provided further*, That the transfer authority provided
22 under this heading is in addition to any other transfer au-
23 thority provided elsewhere in this Act.

1 ENVIRONMENTAL RESTORATION, AIR FORCE

2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of the Air Force, \$502,653,000,
4 to remain available until transferred: *Provided*, That the
5 Secretary of the Air Force shall, upon determining that
6 such funds are required for environmental restoration, re-
7 duction and recycling of hazardous waste, removal of un-
8 safe buildings and debris of the Department of the Air
9 Force, or for similar purposes, transfer the funds made
10 available by this appropriation to other appropriations
11 made available to the Department of the Air Force, to be
12 merged with and to be available for the same purposes
13 and for the same time period as the appropriations to
14 which transferred: *Provided further*, That upon a deter-
15 mination that all or part of the funds transferred from
16 this appropriation are not necessary for the purposes pro-
17 vided herein, such amounts may be transferred back to
18 this appropriation: *Provided further*, That the transfer au-
19 thority provided under this heading is in addition to any
20 other transfer authority provided elsewhere in this Act.

21 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

22 (INCLUDING TRANSFER OF FUNDS)

23 For the Department of Defense, \$10,744,000, to re-
24 main available until transferred: *Provided*, That the Sec-
25 retary of Defense shall, upon determining that such funds

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

16 ENVIRONMENTAL RESTORATION, FORMERLY USED
17 DEFENSE SITES
18 (INCLUDING TRANSFER OF FUNDS)

19 For the Department of the Army, \$316,546,000, to
20 remain available until transferred: *Provided*, That the Sec-
21 retary of the Army shall, upon determining that such
22 funds are required for environmental restoration, reduc-
23 tion and recycling of hazardous waste, removal of unsafe
24 buildings and debris at sites formerly used by the Depart-
25 ment of Defense, transfer the funds made available by this

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

12 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

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

19 COOPERATIVE THREAT REDUCTION ACCOUNT

20 For assistance to the republics of the former Soviet
21 Union and, with appropriate authorization by the Depart-
22 ment of Defense and Department of State, to countries
23 outside of the former Soviet Union, including assistance
24 provided by contract or by grants, for facilitating the
25 elimination and the safe and secure transportation and

1 storage of nuclear, chemical and other weapons; for estab-
2 lishing programs to prevent the proliferation of weapons,
3 weapons components, and weapon-related technology and
4 expertise; for programs relating to the training and sup-
5 port of defense and military personnel for demilitarization
6 and protection of weapons, weapons components and
7 weapons technology and expertise, and for defense and
8 military contacts, \$522,512,000, to remain available until
9 September 30, 2013: *Provided*, That of the amounts pro-
10 vided under this heading, not less than \$13,500,000 shall
11 be available only to support the dismantling and disposal
12 of nuclear submarines, submarine reactor components,
13 and security enhancements for transport and storage of
14 nuclear warheads in the Russian Far East and North.

15 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE

16 DEVELOPMENT FUND

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

19 TITLE III

20 PROCUREMENT

21 AIRCRAFT PROCUREMENT, ARMY

22 For construction, procurement, production, modifica-
23 tion, and modernization of aircraft, equipment, including
24 ordnance, ground handling equipment, spare parts, and
25 accessories therefor; specialized equipment and training

1 devices; expansion of public and private plants, including
2 the land necessary therefor, for the foregoing purposes,
3 and such lands and interests therein, may be acquired,
4 and construction prosecuted thereon prior to approval of
5 title; and procurement and installation of equipment, ap-
6 pliances, and machine tools in public and private plants;
7 reserve plant and Government and contractor-owned
8 equipment layaway; and other expenses necessary for the
9 foregoing purposes, \$5,268,991,000, to remain available
10 for obligation until September 30, 2013.

11 MISSILE PROCUREMENT, ARMY

12 For construction, procurement, production, modifica-
13 tion, and modernization of missiles, equipment, including
14 ordnance, ground handling equipment, spare parts, and
15 accessories therefor; specialized equipment and training
16 devices; expansion of public and private plants, including
17 the land necessary therefor, for the foregoing purposes,
18 and such lands and interests therein, may be acquired,
19 and construction prosecuted thereon prior to approval of
20 title; and procurement and installation of equipment, ap-
21 pliances, and machine tools in public and private plants;
22 reserve plant and Government and contractor-owned
23 equipment layaway; and other expenses necessary for the
24 foregoing purposes, \$1,570,108,000, to remain available
25 for obligation until September 30, 2013.

1 PROCUREMENT OF WEAPONS AND TRACKED COMBAT
2 VEHICLES, ARMY

3 For construction, procurement, production, and
4 modification of weapons and tracked combat vehicles,
5 equipment, including ordnance, spare parts, and acces-
6 sories therefor; specialized equipment and training devices;
7 expansion of public and private plants, including the land
8 necessary therefor, for the foregoing purposes, and such
9 lands and interests therein, may be acquired, and con-
10 struction prosecuted thereon prior to approval of title; and
11 procurement and installation of equipment, appliances,
12 and machine tools in public and private plants; reserve
13 plant and Government and contractor-owned equipment
14 layaway; and other expenses necessary for the foregoing
15 purposes, \$1,477,922,000, to remain available for obliga-
16 tion until September 30, 2013.

17 PROCUREMENT OF AMMUNITION, ARMY

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

1 proval of title; and procurement and installation of equip-
2 ment, appliances, and machine tools in public and private
3 plants; reserve plant and Government and contractor-
4 owned equipment layaway; and other expenses necessary
5 for the foregoing purposes, \$1,857,786,000, to remain
6 available for obligation until September 30, 2013.

7 OTHER PROCUREMENT, ARMY

8 (INCLUDING TRANSFER OF FUNDS)

9 For construction, procurement, production, and
10 modification of vehicles, including tactical, support, and
11 non-tracked combat vehicles; the purchase of passenger
12 motor vehicles for replacement only; communications and
13 electronic equipment; other support equipment; spare
14 parts, ordnance, and accessories therefor; specialized
15 equipment and training devices; expansion of public and
16 private plants, including the land necessary therefor, for
17 the foregoing purposes, and such lands and interests
18 therein, may be acquired, and construction prosecuted
19 thereon prior to approval of title; and procurement and
20 installation of equipment, appliances, and machine tools
21 in public and private plants; reserve plant and Govern-
22 ment and contractor-owned equipment layaway; and other
23 expenses necessary for the foregoing purposes,
24 \$8,204,605,000, to remain available for obligation until
25 September 30, 2013: *Provided*, That of the funds made

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

7 AIRCRAFT PROCUREMENT, NAVY

8 For construction, procurement, production, modifica-
9 tion, and modernization of aircraft, equipment, including
10 ordnance, spare parts, and accessories therefor; specialized
11 equipment; expansion of public and private plants, includ-
12 ing the land necessary therefor, and such lands and inter-
13 ests therein, may be acquired, and construction prosecuted
14 thereon prior to approval of title; and procurement and
15 installation of equipment, appliances, and machine tools
16 in public and private plants; reserve plant and Govern-
17 ment and contractor-owned equipment layaway,
18 \$17,473,588,000, to remain available for obligation until
19 September 30, 2013.

20 WEAPONS PROCUREMENT, NAVY

21 For construction, procurement, production, modifica-
22 tion, and modernization of missiles, torpedoes, other weap-
23 ons, and related support equipment including spare parts,
24 and accessories therefor; expansion of public and private
25 plants, including the land necessary therefor, and such

1 SHIPBUILDING AND CONVERSION, NAVY

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

14 Carrier Replacement Program, \$1,721,969,000;

15 Carrier Replacement Program (AP),
16 \$908,313,000;

17 NSSN, \$3,430,343,000;

18 NSSN (AP), \$1,691,236,000;

19 CVN Refueling, \$1,248,999,000;

20 CVN Refuelings (AP), \$408,037,000;

21 DDG-1000 Program, \$77,512,000;

22 DDG-51 Destroyer, \$2,868,454,000;

23 DDG-51 Destroyer (AP), \$47,984,000;

24 Littoral Combat Ship, \$1,168,984,000;

25 Littoral Combat Ship (AP), \$190,351,000;

1 LHA-R, \$942,837,000;
2 Joint High Speed Vessel, \$180,703,000;
3 Oceanographic Ships, \$88,561,000;
4 LCAC Service Life Extension Program,
5 \$83,035,000;
6 Service Craft, \$13,770,000; and
7 For outfitting, post delivery, conversions, and
8 first destination transportation, \$295,570,000.
9 In all: \$15,366,658,000, to remain available for obli-
10 gation until September 30, 2015: *Provided*, That addi-
11 tional obligations may be incurred after September 30,
12 2015, for engineering services, tests, evaluations, and
13 other such budgeted work that must be performed in the
14 final stage of ship construction: *Provided further*, That
15 none of the funds provided under this heading for the con-
16 struction or conversion of any naval vessel to be con-
17 structed in shipyards in the United States shall be ex-
18 pended in foreign facilities for the construction of major
19 components of such vessel: *Provided further*, That none
20 of the funds provided under this heading shall be used
21 for the construction of any naval vessel in foreign ship-
22 yards.

1 OTHER PROCUREMENT, NAVY

2 (INCLUDING TRANSFER OF FUNDS)

3 For procurement, production, and modernization of
4 support equipment and materials not otherwise provided
5 for, Navy ordnance (except ordnance for new aircraft, new
6 ships, and ships authorized for conversion); the purchase
7 of passenger motor vehicles for replacement only, and the
8 purchase of seven vehicles required for physical security
9 of personnel, notwithstanding price limitations applicable
10 to passenger vehicles but not to exceed \$250,000 per vehi-
11 cle; expansion of public and private plants, including the
12 land necessary therefor, and such lands and interests
13 therein, may be acquired, and construction prosecuted
14 thereon prior to approval of title; and procurement and
15 installation of equipment, appliances, and machine tools
16 in public and private plants; reserve plant and Govern-
17 ment and contractor-owned equipment layaway,
18 \$5,833,683,000, to remain available for obligation until
19 September 30, 2013: *Provided*, That of the funds made
20 available in this paragraph, \$15,000,000 shall be made
21 available to procure equipment, not otherwise provided for,
22 and may be transferred to other procurement accounts
23 available to the Department of the Navy, and that funds
24 so transferred shall be available for the same purposes and
25 the same time period as the account to which transferred.

1 PROCUREMENT, MARINE CORPS

2 For expenses necessary for the procurement, manu-
3 facture, and modification of missiles, armament, military
4 equipment, spare parts, and accessories therefor; plant
5 equipment, appliances, and machine tools, and installation
6 thereof in public and private plants; reserve plant and
7 Government and contractor-owned equipment layaway; ve-
8 hicles for the Marine Corps, including the purchase of pas-
9 senger motor vehicles for replacement only; and expansion
10 of public and private plants, including land necessary
11 therefor, and such lands and interests therein, may be ac-
12 quired, and construction prosecuted thereon prior to ap-
13 proval of title, \$1,238,036,000, to remain available for ob-
14 ligation until September 30, 2013.

15 AIRCRAFT PROCUREMENT, AIR FORCE

16 For construction, procurement, and modification of
17 aircraft and equipment, including armor and armament,
18 specialized ground handling equipment, and training de-
19 vices, spare parts, and accessories therefor; specialized
20 equipment; expansion of public and private plants, Gov-
21 ernment-owned equipment and installation thereof in such
22 plants, erection of structures, and acquisition of land, for
23 the foregoing purposes, and such lands and interests
24 therein, may be acquired, and construction prosecuted
25 thereon prior to approval of title; reserve plant and Gov-

1 ernment and contractor-owned equipment layaway; and
2 other expenses necessary for the foregoing purposes in-
3 cluding rents and transportation of things,
4 \$12,528,779,000, to remain available for obligation until
5 September 30, 2013: *Provided*, That none of the funds
6 provided in this Act for modification of C-17 aircraft,
7 Global Hawk Unmanned Aerial Vehicle and F-22 aircraft
8 may be obligated until all C-17, Global Hawk and F-22
9 contracts funded with prior year “Aircraft Procurement,
10 Air Force” appropriated funds are definitized unless the
11 Secretary of the Air Force certifies in writing to the con-
12 gressional defense committees that each such obligation
13 is necessary to meet the needs of a warfighting require-
14 ment or prevents increased costs to the taxpayer, and pro-
15 vides the reasons for failing to definitize the prior year
16 contracts along with the prospective contract definitization
17 schedule: *Provided further*, That the Secretary of the Air
18 Force shall expand the current HH-60 Operational Loss
19 Replacement program to meet the approved HH-60 Re-
20 capitalization program requirements.

21 MISSILE PROCUREMENT, AIR FORCE

22 For construction, procurement, and modification of
23 missiles, spacecraft, rockets, and related equipment, in-
24 cluding spare parts and accessories therefor, ground han-
25 dling equipment, and training devices; expansion of public

1 and private plants, Government-owned equipment and in-
2 stallation thereof in such plants, erection of structures,
3 and acquisition of land, for the foregoing purposes, and
4 such lands and interests therein, may be acquired, and
5 construction prosecuted thereon prior to approval of title;
6 reserve plant and Government and contractor-owned
7 equipment layaway; and other expenses necessary for the
8 foregoing purposes including rents and transportation of
9 things, \$5,430,764,000, to remain available for obligation
10 until September 30, 2013.

11 PROCUREMENT OF AMMUNITION, AIR FORCE

12 For construction, procurement, production, and
13 modification of ammunition, and accessories therefor; spe-
14 cialized equipment and training devices; expansion of pub-
15 lic and private plants, including ammunition facilities, au-
16 thorized by section 2854 of title 10, United States Code,
17 and the land necessary therefor, for the foregoing pur-
18 poses, and such lands and interests therein, may be ac-
19 quired, and construction prosecuted thereon prior to ap-
20 proval of title; and procurement and installation of equip-
21 ment, appliances, and machine tools in public and private
22 plants; reserve plant and Government and contractor-
23 owned equipment layaway; and other expenses necessary
24 for the foregoing purposes, \$735,487,000, to remain avail-
25 able for obligation until September 30, 2013.

1 OTHER PROCUREMENT, AIR FORCE

2 (INCLUDING TRANSFER OF FUNDS)

3 For procurement and modification of equipment (in-
4 cluding ground guidance and electronic control equipment,
5 and ground electronic and communication equipment),
6 and supplies, materials, and spare parts therefor, not oth-
7 erwise provided for; the purchase of passenger motor vehi-
8 cles for replacement only, and the purchase of two vehicles
9 required for physical security of personnel, notwith-
10 standing price limitations applicable to passenger vehicles
11 but not to exceed \$250,000 per vehicle; lease of passenger
12 motor vehicles; and expansion of public and private plants,
13 Government-owned equipment and installation thereof in
14 such plants, erection of structures, and acquisition of land,
15 for the foregoing purposes, and such lands and interests
16 therein, may be acquired, and construction prosecuted
17 thereon, prior to approval of title; reserve plant and Gov-
18 ernment and contractor-owned equipment layaway,
19 \$17,598,331,000, to remain available for obligation until
20 September 30, 2013: *Provided*, That of the funds made
21 available in this paragraph, \$15,000,000 shall be made
22 available to procure equipment, not otherwise provided for,
23 and may be transferred to other procurement accounts
24 available to the Department of the Air Force, and that
25 funds so transferred shall be available for the same pur-

1 poses and the same time period as the account to which
2 transferred.

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

5 For expenses of activities and agencies of the Depart-
6 ment of Defense (other than the military departments)
7 necessary for procurement, production, and modification
8 of equipment, supplies, materials, and spare parts there-
9 for, not otherwise provided for; the purchase of passenger
10 motor vehicles for replacement only; expansion of public
11 and private plants, equipment, and installation thereof in
12 such plants, erection of structures, and acquisition of land
13 for the foregoing purposes, and such lands and interests
14 therein, may be acquired, and construction prosecuted
15 thereon prior to approval of title; reserve plant and Gov-
16 ernment and contractor-owned equipment layaway,
17 \$4,042,241,000, to remain available for obligation until
18 September 30, 2013: *Provided*, That of the funds made
19 available in this paragraph, \$15,000,000 shall be made
20 available to procure equipment, not otherwise provided for,
21 and may be transferred to other procurement accounts
22 available to the Department of Defense, and that funds
23 so transferred shall be available for the same purposes and
24 the same time period as the account to which transferred.

1 DEFENSE PRODUCTION ACT PURCHASES

2 For activities by the Department of Defense pursuant
3 to sections 108, 301, 302, and 303 of the Defense Produc-
4 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and
5 2093), \$74,906,000, to remain available until expended.

6 TITLE IV
7 RESEARCH, DEVELOPMENT, TEST AND
8 EVALUATION

9 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
10 ARMY

11 For expenses necessary for basic and applied sci-
12 entific research, development, test and evaluation, includ-
13 ing maintenance, rehabilitation, lease, and operation of fa-
14 cilities and equipment, \$10,775,081,000, to remain avail-
15 able for obligation until September 30, 2012.

16 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
17 NAVY

18 For expenses necessary for basic and applied sci-
19 entific research, development, test and evaluation, includ-
20 ing maintenance, rehabilitation, lease, and operation of fa-
21 cilities and equipment, \$18,447,913,000, to remain avail-
22 able for obligation until September 30, 2012: *Provided*,
23 That funds appropriated in this paragraph which are
24 available for the V-22 may be used to meet unique oper-
25 ational requirements of the Special Operations Forces:

1 *Provided further*, That funds appropriated in this para-
2 graph shall be available for the Cobra Judy program.

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
4 AIR FORCE

5 For expenses necessary for basic and applied sci-
6 entific research, development, test and evaluation, includ-
7 ing maintenance, rehabilitation, lease, and operation of fa-
8 cilities and equipment, \$27,006,965,000, to remain avail-
9 able for obligation until September 30, 2012.

10 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
11 DEFENSE-WIDE

12 For expenses of activities and agencies of the Depart-
13 ment of Defense (other than the military departments),
14 necessary for basic and applied scientific research, devel-
15 opment, test and evaluation; advanced research projects
16 as may be designated and determined by the Secretary
17 of Defense, pursuant to law; maintenance, rehabilitation,
18 lease, and operation of facilities and equipment,
19 \$21,171,272,000, to remain available for obligation until
20 September 30, 2012: *Provided*, That of the funds made
21 available in this paragraph, \$3,200,000 shall only be avail-
22 able for program management and oversight of innovative
23 research and development.

1 OPERATIONAL TEST AND EVALUATION, DEFENSE

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

11 TITLE V

12 REVOLVING AND MANAGEMENT FUNDS

13 DEFENSE WORKING CAPITAL FUNDS

14 For the Defense Working Capital Funds,
15 \$1,434,536,000.

16 NATIONAL DEFENSE SEALIFT FUND

17 For National Defense Sealift Fund programs,
18 projects, and activities, and for expenses of the National
19 Defense Reserve Fleet, as established by section 11 of the
20 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),
21 and for the necessary expenses to maintain and preserve
22 a U.S.-flag merchant fleet to serve the national security
23 needs of the United States, \$1,077,266,000, to remain
24 available until expended: *Provided*, That none of the funds
25 provided in this paragraph shall be used to award a new

1 contract that provides for the acquisition of any of the
2 following major components unless such components are
3 manufactured in the United States: auxiliary equipment,
4 including pumps, for all shipboard services; propulsion
5 system components (engines, reduction gears, and propel-
6 lers); shipboard cranes; and spreaders for shipboard
7 cranes: *Provided further*, That the exercise of an option
8 in a contract awarded through the obligation of previously
9 appropriated funds shall not be considered to be the award
10 of a new contract: *Provided further*, That the Secretary
11 of the military department responsible for such procure-
12 ment may waive the restrictions in the first proviso on
13 a case-by-case basis by certifying in writing to the Com-
14 mittees on Appropriations of the House of Representatives
15 and the Senate that adequate domestic supplies are not
16 available to meet Department of Defense requirements on
17 a timely basis and that such an acquisition must be made
18 in order to acquire capability for national security pur-
19 poses.

20 TITLE VI

21 OTHER DEPARTMENT OF DEFENSE PROGRAMS

22 DEFENSE HEALTH PROGRAM

23 For expenses, not otherwise provided for, for medical
24 and health care programs of the Department of Defense
25 as authorized by law, \$31,460,770,000; of which

1 \$29,697,516,000 shall be for operation and maintenance,
2 of which not to exceed 1 percent shall remain available
3 until September 30, 2012, and of which up to
4 \$16,212,121,000 may be available for contracts entered
5 into under the TRICARE program; of which
6 \$534,921,000, to remain available for obligation until Sep-
7 tember 30, 2013, shall be for procurement; and of which
8 \$1,228,333,000, to remain available for obligation until
9 September 30, 2012, shall be for research, development,
10 test and evaluation: *Provided*, That, notwithstanding any
11 other provision of law, of the amount made available under
12 this heading for research, development, test and evalua-
13 tion, not less than \$10,000,000 shall be available for HIV
14 prevention educational activities undertaken in connection
15 with United States military training, exercises, and hu-
16 manitarian assistance activities conducted primarily in Af-
17 rican nations.

18 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,

19 DEFENSE

20 For expenses, not otherwise provided for, necessary
21 for the destruction of the United States stockpile of lethal
22 chemical agents and munitions, to include construction of
23 facilities, in accordance with the provisions of section 1412
24 of the Department of Defense Authorization Act, 1986
25 (50 U.S.C. 1521), and for the destruction of other chem-

1 ical warfare materials that are not in the chemical weapon
2 stockpile, \$1,467,307,000, of which \$1,067,364,000 shall
3 be for operation and maintenance, of which no less than
4 \$111,178,000, shall be for the Chemical Stockpile Emer-
5 gency Preparedness Program, consisting of \$35,130,000
6 for activities on military installations and \$76,048,000, to
7 remain available until September 30, 2012, to assist State
8 and local governments; \$7,132,000 shall be for procure-
9 ment, to remain available until September 30, 2013; and
10 \$392,811,000, to remain available until September 30,
11 2012, shall be for research, development, test and evalua-
12 tion, of which \$385,868,000 shall only be for the Assem-
13 bled Chemical Weapons Alternatives (ACWA) program.

14 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
15 DEFENSE

16 (INCLUDING TRANSFER OF FUNDS)

17 For drug interdiction and counter-drug activities of
18 the Department of Defense, for transfer to appropriations
19 available to the Department of Defense for military per-
20 sonnel of the reserve components serving under the provi-
21 sions of title 10 and title 32, United States Code; for oper-
22 ation and maintenance; for procurement; and for research,
23 development, test and evaluation, \$1,207,877,000: *Pro-*
24 *vided*, That the funds appropriated under this heading
25 shall be available for obligation for the same time period

1 and for the same purpose as the appropriation to which
2 transferred: *Provided further*, That upon a determination
3 that all or part of the funds transferred from this appro-
4 priation are not necessary for the purposes provided here-
5 in, such amounts may be transferred back to this appro-
6 priation: *Provided further*, That the transfer authority pro-
7 vided under this heading is in addition to any other trans-
8 fer authority contained elsewhere in this Act.

9 OFFICE OF THE INSPECTOR GENERAL

10 For expenses and activities of the Office of the In-
11 spector General in carrying out the provisions of the In-
12 spector General Act of 1978, as amended, \$306,794,000,
13 of which \$305,794,000 shall be for operation and mainte-
14 nance, of which not to exceed \$700,000 is available for
15 emergencies and extraordinary expenses to be expended on
16 the approval or authority of the Inspector General, and
17 payments may be made on the Inspector General's certifi-
18 cate of necessity for confidential military purposes; and
19 of which \$1,000,000, to remain available until September
20 30, 2013, shall be for procurement.

1 TITLE VII
2 RELATED AGENCIES
3 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
4 DISABILITY SYSTEM FUND

5 For payment to the Central Intelligence Agency Re-
6 tirement and Disability System Fund, to maintain the
7 proper funding level for continuing the operation of the
8 Central Intelligence Agency Retirement and Disability
9 System, \$292,000,000.

10 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

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

13 TITLE VIII
14 GENERAL PROVISIONS

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

18 SEC. 8002. During the current fiscal year, provisions
19 of law prohibiting the payment of compensation to, or em-
20 ployment of, any person not a citizen of the United States
21 shall not apply to personnel of the Department of Defense:
22 *Provided*, That salary increases granted to direct and indi-
23 rect hire foreign national employees of the Department of
24 Defense funded by this Act shall not be at a rate in excess
25 of the percentage increase authorized by law for civilian

1 employees of the Department of Defense whose pay is
2 computed under the provisions of section 5332 of title 5,
3 United States Code, or at a rate in excess of the percent-
4 age increase provided by the appropriate host nation to
5 its own employees, whichever is higher: *Provided further*,
6 That, in the case of a host nation that does not provide
7 salary increases on an annual basis, any increase granted
8 by that nation shall be annualized for the purpose of ap-
9 plying the preceding proviso: *Provided further*, That this
10 section shall not apply to Department of Defense foreign
11 service national employees serving at United States diplo-
12 matic missions whose pay is set by the Department of
13 State under the Foreign Service Act of 1980: *Provided*
14 *further*, That the limitations of this provision shall not
15 apply to foreign national employees of the Department of
16 Defense in the Republic of Turkey.

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

20 SEC. 8004. No more than 20 percent of the appro-
21 priations in this Act which are limited for obligation dur-
22 ing the current fiscal year shall be obligated during the
23 last 2 months of the fiscal year: *Provided*, That this sec-
24 tion shall not apply to obligations for support of active

1 duty training of reserve components or summer camp
2 training of the Reserve Officers' Training Corps.

3 (TRANSFER OF FUNDS)

4 SEC. 8005. Upon determination by the Secretary of
5 Defense that such action is necessary in the national inter-
6 est, he may, with the approval of the Office of Manage-
7 ment and Budget, transfer not to exceed \$4,000,000,000
8 of working capital funds of the Department of Defense
9 or funds made available in this Act to the Department
10 of Defense for military functions (except military con-
11 struction) between such appropriations or funds or any
12 subdivision thereof, to be merged with and to be available
13 for the same purposes, and for the same time period, as
14 the appropriation or fund to which transferred: *Provided*,
15 That such authority to transfer may not be used unless
16 for higher priority items, based on unforeseen military re-
17 quirements, than those for which originally appropriated
18 and in no case where the item for which funds are re-
19 quested has been denied by the Congress: *Provided further*,
20 That the Secretary of Defense shall notify the Congress
21 promptly of all transfers made pursuant to this authority
22 or any other authority in this Act: *Provided further*, That
23 no part of the funds in this Act shall be available to pre-
24 pare or present a request to the Committees on Appropria-
25 tions for reprogramming of funds, unless for higher pri-

1 ority items, based on unforeseen military requirements,
2 than those for which originally appropriated and in no
3 case where the item for which reprogramming is requested
4 has been denied by the Congress: *Provided further*, That
5 a request for multiple reprogrammings of funds using au-
6 thority provided in this section shall be made prior to June
7 30, 2011: *Provided further*, That transfers among military
8 personnel appropriations shall not be taken into account
9 for purposes of the limitation on the amount of funds that
10 may be transferred under this section.

11 SEC. 8006. (a) With regard to the list of specific pro-
12 grams, projects, and activities (and the dollar amounts
13 and adjustments to budget activities corresponding to
14 such programs, projects, and activities) contained in the
15 tables titled “Explanation of Project Level Adjustments”
16 in the explanatory statement regarding this Act, the obli-
17 gation and expenditure of amounts appropriated or other-
18 wise made available in this Act for those programs,
19 projects, and activities for which the amounts appro-
20 priated exceed the amounts requested are hereby required
21 by law to be carried out in the manner provided by such
22 tables to the same extent as if the tables were included
23 in the text of this Act.

24 (b) Amounts specified in the referenced tables de-
25 scribed in subsection (a) shall not be treated as subdivi-

1 sions of appropriations for purposes of section 8005 of this
2 Act: *Provided*, That section 8005 shall apply when trans-
3 fers of the amounts described in subsection (a) occur be-
4 tween appropriation accounts.

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

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

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

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

22 (b) Notwithstanding section 8005 of this Act, none
23 of the funds provided in this Act shall be available for
24 reprogramming or transfer until the report identified in
25 subsection (a) is submitted to the congressional defense

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

9 SEC. 8010. Funds appropriated by this Act may not
10 be used to initiate a special access program without prior
11 notification 30 calendar days in advance to the congres-
12 sional defense committees.

13 SEC. 8011. None of the funds provided in this Act
14 shall be available to initiate: (1) a multiyear contract that
15 employs economic order quantity procurement in excess of
16 \$20,000,000 in any one year of the contract or that in-
17 cludes an unfunded contingent liability in excess of
18 \$20,000,000; or (2) a contract for advance procurement
19 leading to a multiyear contract that employs economic
20 order quantity procurement in excess of \$20,000,000 in
21 any one year, unless the congressional defense committees
22 have been notified at least 30 days in advance of the pro-
23 posed contract award: *Provided*, That no part of any ap-
24 propriation contained in this Act shall be available to ini-
25 tiate a multiyear contract for which the economic order

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

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

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

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

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

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

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

16 Navy MH-60R/S Helicopter Systems.

17 SEC. 8012. Within the funds appropriated for the op-
18 eration and maintenance of the Armed Forces, funds are
19 hereby appropriated pursuant to section 401 of title 10,
20 United States Code, for humanitarian and civic assistance
21 costs under chapter 20 of title 10, United States Code.
22 Such funds may also be obligated for humanitarian and
23 civic assistance costs incidental to authorized operations
24 and pursuant to authority granted in section 401 of chap-
25 ter 20 of title 10, United States Code, and these obliga-

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

18 SEC. 8013. (a) During fiscal year 2011, the civilian
19 personnel of the Department of Defense may not be man-
20 aged on the basis of any end-strength, and the manage-
21 ment of such personnel during that fiscal year shall not
22 be subject to any constraint or limitation (known as an
23 end-strength) on the number of such personnel who may
24 be employed on the last day of such fiscal year.

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

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

10 SEC. 8014. None of the funds made available by this
11 Act shall be used in any way, directly or indirectly, to in-
12 fluence congressional action on any legislation or appro-
13 priation matters pending before the Congress.

14 SEC. 8015. None of the funds appropriated by this
15 Act shall be available for the basic pay and allowances of
16 any member of the Army participating as a full-time stu-
17 dent and receiving benefits paid by the Secretary of Vet-
18 erans Affairs from the Department of Defense Education
19 Benefits Fund when time spent as a full-time student is
20 credited toward completion of a service commitment: *Pro-*
21 *vided*, That this section shall not apply to those members
22 who have reenlisted with this option prior to October 1,
23 1987: *Provided further*, That this section applies only to
24 active components of the Army.

1 SEC. 8016. (a) None of the funds appropriated by
2 this Act shall be available to convert to contractor per-
3 formance an activity or function of the Department of De-
4 fense that, on or after the date of the enactment of this
5 Act, is performed by Department of Defense civilian em-
6 ployees unless—

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

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

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

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

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

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

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

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

20 (A) is included on the procurement list es-
21 tablished pursuant to section 2 of the Javits-
22 Wagner-O'Day Act (41 U.S.C. 47);

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

1 other severely handicapped individuals in ac-
2 cordance with that Act; or

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

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

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

(TRANSFER OF FUNDS)

1
2 SEC. 8017. Funds appropriated in title III of this Act
3 for the Department of Defense Pilot Mentor-Protege Pro-
4 gram may be transferred to any other appropriation con-
5 tained in this Act solely for the purpose of implementing
6 a Mentor-Protege Program developmental assistance
7 agreement pursuant to section 831 of the National De-
8 fense Authorization Act for Fiscal Year 1991 (Public Law
9 101-510; 10 U.S.C. 2302 note), as amended, under the
10 authority of this provision or any other transfer authority
11 contained in this Act.

12 SEC. 8018. None of the funds in this Act may be
13 available for the purchase by the Department of Defense
14 (and its departments and agencies) of welded shipboard
15 anchor and mooring chain 4 inches in diameter and under
16 unless the anchor and mooring chain are manufactured
17 in the United States from components which are substan-
18 tially manufactured in the United States: *Provided*, That
19 for the purpose of this section, the term “manufactured”
20 shall include cutting, heat treating, quality control, testing
21 of chain and welding (including the forging and shot blast-
22 ing process): *Provided further*, That for the purpose of this
23 section substantially all of the components of anchor and
24 mooring chain shall be considered to be produced or manu-
25 factured in the United States if the aggregate cost of the

1 components produced or manufactured in the United
2 States exceeds the aggregate cost of the components pro-
3 duced or manufactured outside the United States: *Pro-*
4 *vided further*, That when adequate domestic supplies are
5 not available to meet Department of Defense requirements
6 on a timely basis, the Secretary of the service responsible
7 for the procurement may waive this restriction on a case-
8 by-case basis by certifying in writing to the Committees
9 on Appropriations that such an acquisition must be made
10 in order to acquire capability for national security pur-
11 poses.

12 SEC. 8019. None of the funds available to the De-
13 partment of Defense may be used to demilitarize or dis-
14 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,
15 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols, or
16 to demilitarize or destroy small arms ammunition or am-
17 munition components that are not otherwise prohibited
18 from commercial sale under Federal law, unless the small
19 arms ammunition or ammunition components are certified
20 by the Secretary of the Army or designee as unserviceable
21 or unsafe for further use.

22 SEC. 8020. No more than \$500,000 of the funds ap-
23 propriated or made available in this Act shall be used dur-
24 ing a single fiscal year for any single relocation of an orga-
25 nization, unit, activity or function of the Department of

1 Defense into or within the National Capital Region: *Pro-*
2 *vided*, That the Secretary of Defense may waive this re-
3 striction on a case-by-case basis by certifying in writing
4 to the congressional defense committees that such a relo-
5 cation is required in the best interest of the Government.

6 SEC. 8021. In addition to the funds provided else-
7 where in this Act, \$15,000,000 is appropriated only for
8 incentive payments authorized by section 504 of the In-
9 dian Financing Act of 1974 (25 U.S.C. 1544): *Provided*,
10 That a prime contractor or a subcontractor at any tier
11 that makes a subcontract award to any subcontractor or
12 supplier as defined in section 1544 of title 25, United
13 States Code, or a small business owned and controlled by
14 an individual or individuals defined under section 4221(9)
15 of title 25, United States Code, shall be considered a con-
16 tractor for the purposes of being allowed additional com-
17 pensation under section 504 of the Indian Financing Act
18 of 1974 (25 U.S.C. 1544) whenever the prime contract
19 or subcontract amount is over \$500,000 and involves the
20 expenditure of funds appropriated by an Act making Ap-
21 propriations for the Department of Defense with respect
22 to any fiscal year: *Provided further*, That notwithstanding
23 section 430 of title 41, United States Code, this section
24 shall be applicable to any Department of Defense acquisi-
25 tion of supplies or services, including any contract and any

1 subcontract at any tier for acquisition of commercial items
2 produced or manufactured, in whole or in part by any sub-
3 contractor or supplier defined in section 1544 of title 25,
4 United States Code, or a small business owned and con-
5 trolled by an individual or individuals defined under sec-
6 tion 4221(9) of title 25, United States Code.

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

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

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

22 (1) \$27,048,000 shall be available from “Oper-
23 ation and Maintenance, Air Force” to support Civil
24 Air Patrol Corporation operation and maintenance,

1 readiness, counterdrug activities, and drug demand
2 reduction activities involving youth programs;

3 (2) \$2,424,000 shall be available from “Aircraft
4 Procurement, Air Force”; and

5 (3) \$902,000 shall be available from “Other
6 Procurement, Air Force” for vehicle procurement.

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

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

19 (b) No member of a Board of Directors, Trustees,
20 Overseers, Advisory Group, Special Issues Panel, Visiting
21 Committee, or any similar entity of a defense FFRDC,
22 and no paid consultant to any defense FFRDC, except
23 when acting in a technical advisory capacity, may be com-
24 pensated for his or her services as a member of such enti-
25 ty, or as a paid consultant by more than one FFRDC in

1 a fiscal year: *Provided*, That a member of any such entity
2 referred to previously in this subsection shall be allowed
3 travel expenses and per diem as authorized under the Fed-
4 eral Joint Travel Regulations, when engaged in the per-
5 formance of membership duties.

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

15 (d) Notwithstanding any other provision of law, of
16 the funds available to the department during fiscal year
17 2011, not more than 5,750 staff years of technical effort
18 (staff years) may be funded for defense FFRDCs: *Pro-*
19 *vided*, That of the specific amount referred to previously
20 in this subsection, not more than 1,125 staff years may
21 be funded for the defense studies and analysis FFRDCs:
22 *Provided further*, That this subsection shall not apply to
23 staff years funded in the National Intelligence Program
24 (NIP) and the Military Intelligence Program (MIP).

1 (e) The Secretary of Defense shall, with the submis-
2 sion of the department's fiscal year 2012 budget request,
3 submit a report presenting the specific amounts of staff
4 years of technical effort to be allocated for each defense
5 FFRDC during that fiscal year and the associated budget
6 estimates.

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

10 SEC. 8026. None of the funds appropriated or made
11 available in this Act shall be used to procure carbon, alloy
12 or armor steel plate for use in any Government-owned fa-
13 cility or property under the control of the Department of
14 Defense which were not melted and rolled in the United
15 States or Canada: *Provided*, That these procurement re-
16 strictions shall apply to any and all Federal Supply Class
17 9515, American Society of Testing and Materials (ASTM)
18 or American Iron and Steel Institute (AISI) specifications
19 of carbon, alloy or armor steel plate: *Provided further*,
20 That the Secretary of the military department responsible
21 for the procurement may waive this restriction on a case-
22 by-case basis by certifying in writing to the Committees
23 on Appropriations of the House of Representatives and the
24 Senate that adequate domestic supplies are not available
25 to meet Department of Defense requirements on a timely

1 basis and that such an acquisition must be made in order
2 to acquire capability for national security purposes: *Pro-*
3 *vided further*, That these restrictions shall not apply to
4 contracts which are in being as of the date of the enact-
5 ment of this Act.

6 SEC. 8027. For the purposes of this Act, the term
7 “congressional defense committees” means the Armed
8 Services Committee of the House of Representatives, the
9 Armed Services Committee of the Senate, the Sub-
10 committee on Defense of the Committee on Appropriations
11 of the Senate, and the Subcommittee on Defense of the
12 Committee on Appropriations of the House of Representa-
13 tives.

14 SEC. 8028. During the current fiscal year, the De-
15 partment of Defense may acquire the modification, depot
16 maintenance and repair of aircraft, vehicles and vessels
17 as well as the production of components and other De-
18 fense-related articles, through competition between De-
19 partment of Defense depot maintenance activities and pri-
20 vate firms: *Provided*, That the Senior Acquisition Execu-
21 tive of the military department or Defense Agency con-
22 cerned, with power of delegation, shall certify that success-
23 ful bids include comparable estimates of all direct and in-
24 direct costs for both public and private bids: *Provided fur-*
25 *ther*, That Office of Management and Budget Circular A-

1 76 shall not apply to competitions conducted under this
2 section.

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

13 (2) An agreement referred to in paragraph (1) is any
14 reciprocal defense procurement memorandum of under-
15 standing, between the United States and a foreign country
16 pursuant to which the Secretary of Defense has prospec-
17 tively waived the Buy American Act for certain products
18 in that country.

19 (b) The Secretary of Defense shall submit to the Con-
20 gress a report on the amount of Department of Defense
21 purchases from foreign entities in fiscal year 2011. Such
22 report shall separately indicate the dollar value of items
23 for which the Buy American Act was waived pursuant to
24 any agreement described in subsection (a)(2), the Trade
25 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any

1 international agreement to which the United States is a
2 party.

3 (c) For purposes of this section, the term “Buy
4 American Act” means title III of the Act entitled “An Act
5 making appropriations for the Treasury and Post Office
6 Departments for the fiscal year ending June 30, 1934,
7 and for other purposes”, approved March 3, 1933 (41
8 U.S.C. 10a et seq.).

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

16 SEC. 8031. (a) Notwithstanding any other provision
17 of law, the Secretary of the Air Force may convey at no
18 cost to the Air Force, without consideration, to Indian
19 tribes located in the States of Nevada, Idaho, North Da-
20 kota, South Dakota, Montana, Oregon, Minnesota, and
21 Washington relocatable military housing units located at
22 Grand Forks Air Force Base, Malmstrom Air Force Base,
23 Mountain Home Air Force Base, Ellsworth Air Force
24 Base, and Minot Air Force Base that are excess to the
25 needs of the Air Force.

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

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

16 (d) In this section, the term “Indian tribe” means
17 any recognized Indian tribe included on the current list
18 published by the Secretary of the Interior under section
19 104 of the Federally Recognized Indian Tribe Act of 1994
20 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–
21 1).

22 SEC. 8032. During the current fiscal year, appropria-
23 tions which are available to the Department of Defense
24 for operation and maintenance may be used to purchase

1 items having an investment item unit cost of not more
2 than \$250,000.

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

16 (b) The fiscal year 2012 budget request for the De-
17 partment of Defense as well as all justification material
18 and other documentation supporting the fiscal year 2012
19 Department of Defense budget shall be prepared and sub-
20 mitted to the Congress on the basis that any equipment
21 which was classified as an end item and funded in a pro-
22 curement appropriation contained in this Act shall be
23 budgeted for in a proposed fiscal year 2012 procurement
24 appropriation and not in the supply management business

1 area or any other area or category of the Department of
2 Defense Working Capital Funds.

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

19 SEC. 8035. Notwithstanding any other provision of
20 law, funds made available in this Act for the Defense In-
21 telligence Agency may be used for the design, develop-
22 ment, and deployment of General Defense Intelligence
23 Program intelligence communications and intelligence in-
24 formation systems for the Services, the Unified and Speci-
25 fied Commands, and the component commands.

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

11 SEC. 8037. (a) None of the funds appropriated in this
12 Act may be expended by an entity of the Department of
13 Defense unless the entity, in expending the funds, com-
14 plies with the Buy American Act. For purposes of this
15 subsection, the term “Buy American Act” means title III
16 of the Act entitled “An Act making appropriations for the
17 Treasury and Post Office Departments for the fiscal year
18 ending June 30, 1934, and for other purposes”, approved
19 March 3, 1933 (41 U.S.C. 10a et seq.).

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

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

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

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

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

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

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

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

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

14 (1) to establish a field operating agency; or

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

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

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

3 (c) This section does not apply to—

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

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

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

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

22 (RESCISSIONS)

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

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

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

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

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

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

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

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

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

17 “Aircraft Procurement, Navy, 2010/2012”,
18 \$184,847,000;

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

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

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

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

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

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

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

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

11 SEC. 8042. None of the funds available in this Act
12 may be used to reduce the authorized positions for mili-
13 tary (civilian) technicians of the Army National Guard,
14 Air National Guard, Army Reserve and Air Force Reserve
15 for the purpose of applying any administratively imposed
16 civilian personnel ceiling, freeze, or reduction on military
17 (civilian) technicians, unless such reductions are a direct
18 result of a reduction in military force structure.

19 SEC. 8043. None of the funds appropriated or other-
20 wise made available in this Act may be obligated or ex-
21 pended for assistance to the Democratic People’s Republic
22 of Korea unless specifically appropriated for that purpose.

23 SEC. 8044. Funds appropriated in this Act for oper-
24 ation and maintenance of the Military Departments, Com-
25 batant Commands and Defense Agencies shall be available

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

12 SEC. 8045. During the current fiscal year, none of
13 the funds appropriated in this Act may be used to reduce
14 the civilian medical and medical support personnel as-
15 signed to military treatment facilities below the September
16 30, 2003, level: *Provided*, That the Service Surgeons Gen-
17 eral may waive this section by certifying to the congres-
18 sional defense committees that the beneficiary population
19 is declining in some catchment areas and civilian strength
20 reductions may be consistent with responsible resource
21 stewardship and capitation-based budgeting.

22 SEC. 8046. (a) None of the funds available to the
23 Department of Defense for any fiscal year for drug inter-
24 diction or counter-drug activities may be transferred to

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

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

8 SEC. 8047. None of the funds appropriated by this
9 Act may be used for the procurement of ball and roller
10 bearings other than those produced by a domestic source
11 and of domestic origin: *Provided*, That the Secretary of
12 the military department responsible for such procurement
13 may waive this restriction on a case-by-case basis by certi-
14 fying in writing to the Committees on Appropriations of
15 the House of Representatives and the Senate, that ade-
16 quate domestic supplies are not available to meet Depart-
17 ment of Defense requirements on a timely basis and that
18 such an acquisition must be made in order to acquire ca-
19 pability for national security purposes: *Provided further*,
20 That this restriction shall not apply to the purchase of
21 “commercial items”, as defined by section 4(12) of the
22 Office of Federal Procurement Policy Act, except that the
23 restriction shall apply to ball or roller bearings purchased
24 as end items.

1 SEC. 8048. None of the funds in this Act may be
2 used to purchase any supercomputer which is not manu-
3 factured in the United States, unless the Secretary of De-
4 fense certifies to the congressional defense committees
5 that such an acquisition must be made in order to acquire
6 capability for national security purposes that is not avail-
7 able from United States manufacturers.

8 SEC. 8049. None of the funds made available in this
9 or any other Act may be used to pay the salary of any
10 officer or employee of the Department of Defense who ap-
11 proves or implements the transfer of administrative re-
12 sponsibilities or budgetary resources of any program,
13 project, or activity financed by this Act to the jurisdiction
14 of another Federal agency not financed by this Act with-
15 out the express authorization of Congress: *Provided*, That
16 this limitation shall not apply to transfers of funds ex-
17 pressly provided for in Defense Appropriations Acts, or
18 provisions of Acts providing supplemental appropriations
19 for the Department of Defense.

20 SEC. 8050. (a) Notwithstanding any other provision
21 of law, none of the funds available to the Department of
22 Defense for the current fiscal year may be obligated or
23 expended to transfer to another nation or an international
24 organization any defense articles or services (other than
25 intelligence services) for use in the activities described in

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

6 (b) This section applies to—

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

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

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

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

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

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

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

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

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

7 SEC. 8051. None of the funds available to the De-
8 partment of Defense under this Act shall be obligated or
9 expended to pay a contractor under a contract with the
10 Department of Defense for costs of any amount paid by
11 the contractor to an employee when—

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

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

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 8052. During the current fiscal year, no more
19 than \$30,000,000 of appropriations made in this Act
20 under the heading “Operation and Maintenance, Defense-
21 Wide” may be transferred to appropriations available for
22 the pay of military personnel, to be merged with, and to
23 be available for the same time period as the appropriations
24 to which transferred, to be used in support of such per-
25 sonnel in connection with support and services for eligible

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

4 SEC. 8053. During the current fiscal year, in the case
5 of an appropriation account of the Department of Defense
6 for which the period of availability for obligation has ex-
7 pired or which has closed under the provisions of section
8 1552 of title 31, United States Code, and which has a
9 negative unliquidated or unexpended balance, an obliga-
10 tion or an adjustment of an obligation may be charged
11 to any current appropriation account for the same purpose
12 as the expired or closed account if—

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

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

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

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

11 SEC. 8054. (a) Notwithstanding any other provision
12 of law, the Chief of the National Guard Bureau may per-
13 mit the use of equipment of the National Guard Distance
14 Learning Project by any person or entity on a space-avail-
15 able, reimbursable basis. The Chief of the National Guard
16 Bureau shall establish the amount of reimbursement for
17 such use on a case-by-case basis.

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

24 SEC. 8055. Using funds available by this Act or any
25 other Act, the Secretary of the Air Force, pursuant to a

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

15 SEC. 8056. None of the funds appropriated in title
16 IV of this Act may be used to procure end-items for deliv-
17 ery to military forces for operational training, operational
18 use or inventory requirements: *Provided*, That this restric-
19 tion does not apply to end-items used in development,
20 prototyping, and test activities preceding and leading to
21 acceptance for operational use: *Provided further*, That this
22 restriction does not apply to programs funded within the
23 National Intelligence Program: *Provided further*, That the
24 Secretary of Defense may waive this restriction on a case-
25 by-case basis by certifying in writing to the Committees

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

4 SEC. 8057. None of the funds made available in this
5 Act may be used to approve or license the sale of the F–
6 22A advanced tactical fighter to any foreign government:
7 *Provided*, That the Department of Defense may conduct
8 or participate in studies, research, design and other activi-
9 ties to define and develop a future export version of the
10 F–22A that protects classified and sensitive information,
11 technologies and U.S. warfighting capabilities.

12 SEC. 8058. (a) The Secretary of Defense may, on a
13 case-by-case basis, waive with respect to a foreign country
14 each limitation on the procurement of defense items from
15 foreign sources provided in law if the Secretary determines
16 that the application of the limitation with respect to that
17 country would invalidate cooperative programs entered
18 into between the Department of Defense and the foreign
19 country, or would invalidate reciprocal trade agreements
20 for the procurement of defense items entered into under
21 section 2531 of title 10, United States Code, and the
22 country does not discriminate against the same or similar
23 defense items produced in the United States for that coun-
24 try.

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

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

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

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

16 SEC. 8059. (a) None of the funds made available by
17 this Act may be used to support any training program in-
18 volving a unit of the security forces or police of a foreign
19 country if the Secretary of Defense has received credible
20 information from the Department of State that the unit
21 has committed a gross violation of human rights, unless
22 all necessary corrective steps have been taken.

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

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

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

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

16 SEC. 8060. None of the funds appropriated or made
17 available in this Act to the Department of the Navy shall
18 be used to develop, lease or procure the T-AKE class of
19 ships unless the main propulsion diesel engines and
20 propulsors are manufactured in the United States by a
21 domestically operated entity: *Provided*, That the Secretary
22 of Defense may waive this restriction on a case-by-case
23 basis by certifying in writing to the Committees on Appro-
24 priations of the House of Representatives and the Senate
25 that adequate domestic supplies are not available to meet

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

5 SEC. 8061. None of the funds appropriated or other-
6 wise made available by this or other Department of De-
7 fense Appropriations Acts may be obligated or expended
8 for the purpose of performing repairs or maintenance to
9 military family housing units of the Department of De-
10 fense, including areas in such military family housing
11 units that may be used for the purpose of conducting offi-
12 cial Department of Defense business.

13 SEC. 8062. Notwithstanding any other provision of
14 law, funds appropriated in this Act under the heading
15 “Research, Development, Test and Evaluation, Defense-
16 Wide” for any new start advanced concept technology
17 demonstration project or joint capability demonstration
18 project may only be obligated 30 days after a report, in-
19 cluding a description of the project, the planned acquisi-
20 tion and transition strategy and its estimated annual and
21 total cost, has been provided in writing to the congress-
22 sional defense committees: *Provided*, That the Secretary
23 of Defense may waive this restriction on a case-by-case
24 basis by certifying to the congressional defense committees
25 that it is in the national interest to do so.

1 SEC. 8063. The Secretary of Defense shall provide
2 a classified quarterly report beginning 30 days after enact-
3 ment of this Act, to the House and Senate Appropriations
4 Committees, Subcommittees on Defense on certain mat-
5 ters as directed in the classified annex accompanying this
6 Act.

7 SEC. 8064. During the current fiscal year, none of
8 the funds available to the Department of Defense may be
9 used to provide support to another department or agency
10 of the United States if such department or agency is more
11 than 90 days in arrears in making payment to the Depart-
12 ment of Defense for goods or services previously provided
13 to such department or agency on a reimbursable basis:
14 *Provided*, That this restriction shall not apply if the de-
15 partment is authorized by law to provide support to such
16 department or agency on a nonreimbursable basis, and is
17 providing the requested support pursuant to such author-
18 ity: *Provided further*, That the Secretary of Defense may
19 waive this restriction on a case-by-case basis by certifying
20 in writing to the Committees on Appropriations of the
21 House of Representatives and the Senate that it is in the
22 national security interest to do so.

23 SEC. 8065. Notwithstanding section 12310(b) of title
24 10, United States Code, a Reserve who is a member of
25 the National Guard serving on full-time National Guard

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

4 SEC. 8066. None of the funds provided in this Act
5 may be used to transfer to any nongovernmental entity
6 ammunition held by the Department of Defense that has
7 a center-fire cartridge and a United States military no-
8 menclature designation of “armor penetrator”, “armor
9 piercing (AP)”, “armor piercing incendiary (API)”, or
10 “armor-piercing incendiary tracer (API-T)”, except to an
11 entity performing demilitarization services for the Depart-
12 ment of Defense under a contract that requires the entity
13 to demonstrate to the satisfaction of the Department of
14 Defense that armor piercing projectiles are either: (1) ren-
15 dered incapable of reuse by the demilitarization process;
16 or (2) used to manufacture ammunition pursuant to a con-
17 tract with the Department of Defense or the manufacture
18 of ammunition for export pursuant to a License for Per-
19 manent Export of Unclassified Military Articles issued by
20 the Department of State.

21 SEC. 8067. Notwithstanding any other provision of
22 law, the Chief of the National Guard Bureau, or his des-
23 ignee, may waive payment of all or part of the consider-
24 ation that otherwise would be required under section 2667
25 of title 10, United States Code, in the case of a lease of

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

7 SEC. 8068. None of the funds appropriated by this
8 Act shall be used for the support of any nonappropriated
9 funds activity of the Department of Defense that procures
10 malt beverages and wine with nonappropriated funds for
11 resale (including such alcoholic beverages sold by the
12 drink) on a military installation located in the United
13 States unless such malt beverages and wine are procured
14 within that State, or in the case of the District of Colum-
15 bia, within the District of Columbia, in which the military
16 installation is located: *Provided*, That in a case in which
17 the military installation is located in more than one State,
18 purchases may be made in any State in which the installa-
19 tion is located: *Provided further*, That such local procure-
20 ment requirements for malt beverages and wine shall
21 apply to all alcoholic beverages only for military installa-
22 tions in States which are not contiguous with another
23 State: *Provided further*, That alcoholic beverages other
24 than wine and malt beverages, in contiguous States and

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

3 SEC. 8069. Funds available to the Department of De-
4 fense for the Global Positioning System during the current
5 fiscal year, and hereafter, may be used to fund civil re-
6 quirements associated with the satellite and ground con-
7 trol segments of such system's modernization program.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 8070. Of the amounts appropriated in this Act
10 under the heading "Operation and Maintenance, Army",
11 \$147,258,300 shall remain available until expended: *Pro-*
12 *vided*, That notwithstanding any other provision of law,
13 the Secretary of Defense is authorized to transfer such
14 funds to other activities of the Federal Government: *Pro-*
15 *vided further*, That the Secretary of Defense is authorized
16 to enter into and carry out contracts for the acquisition
17 of real property, construction, personal services, and oper-
18 ations related to projects carrying out the purposes of this
19 section: *Provided further*, That contracts entered into
20 under the authority of this section may provide for such
21 indemnification as the Secretary determines to be nec-
22 essary: *Provided further*, That projects authorized by this
23 section shall comply with applicable Federal, State, and
24 local law to the maximum extent consistent with the na-
25 tional security, as determined by the Secretary of Defense.

1 SEC. 8071. Section 8106 of the Department of De-
2 fense Appropriations Act, 1997 (titles I through VIII of
3 the matter under subsection 101(b) of Public Law 104-
4 208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall con-
5 tinue in effect to apply to disbursements that are made
6 by the Department of Defense in fiscal year 2011.

7 SEC. 8072. In addition to amounts provided else-
8 where in this Act, \$4,000,000 is hereby appropriated to
9 the Department of Defense, to remain available for obliga-
10 tion until expended: *Provided*, That notwithstanding any
11 other provision of law, these funds shall be available only
12 for a grant to the Fisher House Foundation, Inc., only
13 for the construction and furnishing of additional Fisher
14 Houses to meet the needs of military family members
15 when confronted with the illness or hospitalization of an
16 eligible military beneficiary.

17 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

13 SEC. 8078. In addition to funds made available else-
14 where in this Act, \$5,500,000 is hereby appropriated and
15 shall remain available until expended to provide assist-
16 ance, by grant or otherwise (such as the provision of funds
17 for information technology and textbook purchases, pro-
18 fessional development for educators, and student transi-
19 tion support) to public schools in states that are consid-
20 ered overseas assignments with unusually high concentra-
21 tions of special needs military dependents enrolled: *Pro-*
22 *vided*, That up to 2 percent of the total appropriated funds
23 under this section shall be available for the administration
24 and execution of the programs and/or events that promote
25 the purpose of this appropriation: *Provided further*, That

1 up to 5 percent of the total appropriated funds under this
2 section shall be available to public schools that have en-
3 tered into a military partnership: *Provided further*, That
4 \$1,000,000 shall be available for a nonprofit trust fund
5 to assist in the public-private funding of public school re-
6 pair and maintenance projects: *Provided further*, That
7 \$500,000 shall be available to fund an ongoing special
8 education support program in public schools with unusu-
9 ally high concentrations of active duty military dependents
10 enrolled: *Provided further*, That to the extent a Federal
11 agency provides this assistance by contract, grant, or oth-
12 erwise, it may accept and expend non-Federal funds in
13 combination with these Federal funds to provide assist-
14 ance for the authorized purpose.

15 SEC. 8079. (a) In addition to the amounts provided
16 elsewhere in this Act, \$3,200,000 is hereby appropriated
17 to the Department of Defense for “Operation and Mainte-
18 nance, Army National Guard”. Such amount shall be
19 made available to the Secretary of the Army only to make
20 a grant in the amount of \$3,200,000 to the entity speci-
21 fied in subsection (b) to facilitate access by veterans to
22 opportunities for skilled employment in the construction
23 industry.

24 (b) The entity referred to in subsection (a) is the
25 Center for Military Recruitment, Assessment and Vet-

1 erans Employment, a nonprofit labor-management co-
2 operation committee provided for by section 302(c)(9) of
3 the Labor-Management Relations Act, 1947 (29 U.S.C.
4 186(c)(9)), for the purposes set forth in section 6(b) of
5 the Labor Management Cooperation Act of 1978 (29
6 U.S.C. 175a note).

7 SEC. 8080. The budget of the President for fiscal
8 year 2012 submitted to the Congress pursuant to section
9 1105 of title 31, United States Code, shall include sepa-
10 rate budget justification documents for costs of United
11 States Armed Forces' participation in contingency oper-
12 ations for the Military Personnel accounts, the Operation
13 and Maintenance accounts, and the Procurement ac-
14 counts: *Provided*, That these documents shall include a de-
15 scription of the funding requested for each contingency op-
16 eration, for each military service, to include all Active and
17 Reserve components, and for each appropriations account:
18 *Provided further*, That these documents shall include esti-
19 mated costs for each element of expense or object class,
20 a reconciliation of increases and decreases for each contin-
21 gency operation, and programmatic data including, but
22 not limited to, troop strength for each Active and Reserve
23 component, and estimates of the major weapons systems
24 deployed in support of each contingency: *Provided further*,
25 That these documents shall include budget exhibits OP-

1 5 and OP-32 (as defined in the Department of Defense
2 Financial Management Regulation) for all contingency op-
3 erations for the budget year and the two preceding fiscal
4 years.

5 SEC. 8081. None of the funds in this Act may be
6 used for research, development, test, evaluation, procure-
7 ment or deployment of nuclear armed interceptors of a
8 missile defense system.

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 8082. In addition to the amounts appropriated
11 or otherwise made available elsewhere in this Act,
12 \$65,200,000 is hereby appropriated to the Department of
13 Defense: *Provided*, That the Secretary of Defense shall
14 make grants in the amounts specified as follows:
15 \$20,000,000 to the United Service Organizations;
16 \$24,000,000 to the Red Cross; \$1,200,000 to the Special
17 Olympics; and \$20,000,000 to the Youth Mentoring
18 Grants Program: *Provided further*, That funds available
19 in this section for the Youth Mentoring Grants Program
20 may be available for transfer to the Department of Justice
21 Youth Mentoring Grants Program.

22 SEC. 8083. None of the funds appropriated or made
23 available in this Act shall be used to reduce or disestablish
24 the operation of the 53rd Weather Reconnaissance Squad-
25 ron of the Air Force Reserve, if such action would reduce

1 the WC-130 Weather Reconnaissance mission below the
2 levels funded in this Act: *Provided*, That the Air Force
3 shall allow the 53rd Weather Reconnaissance Squadron to
4 perform other missions in support of national defense re-
5 quirements during the non-hurricane season.

6 SEC. 8084. None of the funds provided in this Act
7 shall be available for integration of foreign intelligence in-
8 formation unless the information has been lawfully col-
9 lected and processed during the conduct of authorized for-
10 eign intelligence activities: *Provided*, That information
11 pertaining to United States persons shall only be handled
12 in accordance with protections provided in the Fourth
13 Amendment of the United States Constitution as imple-
14 mented through Executive Order No. 12333.

15 SEC. 8085. (a) At the time members of reserve com-
16 ponents of the Armed Forces are called or ordered to ac-
17 tive duty under section 12302(a) of title 10, United States
18 Code, each member shall be notified in writing of the ex-
19 pected period during which the member will be mobilized.

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

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8086. The Secretary of Defense may transfer
3 funds from any available Department of the Navy appro-
4 priation to any available Navy ship construction appro-
5 priation for the purpose of liquidating necessary changes
6 resulting from inflation, market fluctuations, or rate ad-
7 justments for any ship construction program appropriated
8 in law: *Provided*, That the Secretary may transfer not to
9 exceed \$100,000,000 under the authority provided by this
10 section: *Provided further*, That the Secretary may not
11 transfer any funds until 30 days after the proposed trans-
12 fer has been reported to the Committees on Appropria-
13 tions of the House of Representatives and the Senate, un-
14 less a response from the Committees is received sooner:
15 *Provided further*, That any funds transferred pursuant to
16 this section shall retain the same period of availability as
17 when originally appropriated: *Provided further*, That the
18 transfer authority provided by this section is in addition
19 to any other transfer authority contained elsewhere in this
20 Act.

21 SEC. 8087. For purposes of section 612 of title 41,
22 United States Code, any subdivision of appropriations
23 made under the heading “Shipbuilding and Conversion,
24 Navy” that is not closed at the time reimbursement is
25 made shall be available to reimburse the Judgment Fund

1 and shall be considered for the same purposes as any sub-
2 division under the heading “Shipbuilding and Conversion,
3 Navy” appropriations in the current fiscal year or any
4 prior fiscal year.

5 SEC. 8088. (a) None of the funds appropriated by
6 this Act may be used to transfer research and develop-
7 ment, acquisition, or other program authority relating to
8 current tactical unmanned aerial vehicles (TUAVs) from
9 the Army.

10 (b) The Army shall retain responsibility for and oper-
11 ational control of the MQ-1C Sky Warrior Unmanned
12 Aerial Vehicle (UAV) in order to support the Secretary
13 of Defense in matters relating to the employment of un-
14 manned aerial vehicles.

15 SEC. 8089. Of the funds provided in this Act,
16 \$7,080,000 shall be available for the operations and devel-
17 opment of training and technology for the Joint Inter-
18 agency Training and Education Center and the affiliated
19 Center for National Response at the Memorial Tunnel and
20 for providing homeland defense/security and traditional
21 warfighting training to the Department of Defense, other
22 Federal agencies, and State and local first responder per-
23 sonnel at the Joint Interagency Training and Education
24 Center.

1 SEC. 8090. Notwithstanding any other provision of
2 law or regulation, during the current fiscal year and here-
3 after, the Secretary of Defense may adjust wage rates for
4 civilian employees hired for certain health care occupa-
5 tions as authorized for the Secretary of Veterans Affairs
6 by section 7455 of title 38, United States Code.

7 SEC. 8091. Up to \$15,000,000 of the funds appro-
8 priated under the heading “Operation and Maintenance,
9 Navy” may be made available for the Asia Pacific Re-
10 gional Initiative Program for the purpose of enabling the
11 Pacific Command to execute Theater Security Cooperation
12 activities such as humanitarian assistance, and payment
13 of incremental and personnel costs of training and exer-
14 cising with foreign security forces: *Provided*, That funds
15 made available for this purpose may be used, notwith-
16 standing any other funding authorities for humanitarian
17 assistance, security assistance or combined exercise ex-
18 penses: *Provided further*, That funds may not be obligated
19 to provide assistance to any foreign country that is other-
20 wise prohibited from receiving such type of assistance
21 under any other provision of law.

22 SEC. 8092. None of the funds appropriated by this
23 Act for programs of the Office of the Director of National
24 Intelligence shall remain available for obligation beyond
25 the current fiscal year, except for funds appropriated for

1 research and technology, which shall remain available until
2 September 30, 2012.

3 SEC. 8093. For purposes of section 1553(b) of title
4 31, United States Code, any subdivision of appropriations
5 made in this Act under the heading “Shipbuilding and
6 Conversion, Navy” shall be considered to be for the same
7 purpose as any subdivision under the heading “Ship-
8 building and Conversion, Navy” appropriations in any
9 prior fiscal year, and the 1 percent limitation shall apply
10 to the total amount of the appropriation.

11 SEC. 8094. Notwithstanding any other provision of
12 law, not more than 35 percent of funds provided in this
13 Act for environmental remediation may be obligated under
14 indefinite delivery/indefinite quantity contracts with a
15 total contract value of \$130,000,000 or higher.

16 SEC. 8095. The Director of National Intelligence
17 shall include the budget exhibits identified in paragraphs
18 (1) and (2) as described in the Department of Defense
19 Financial Management Regulation with the congressional
20 budget justification books.

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

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

7 SEC. 8096. The Secretary of Defense shall create a
8 major force program category for space for each future-
9 years defense program of the Department of Defense sub-
10 mitted to Congress under section 221 of title 10, United
11 States Code, during fiscal year 2011. The Secretary of De-
12 fense shall designate an official in the Office of the Sec-
13 retary of Defense to provide overall supervision of the
14 preparation and justification of program recommendations
15 and budget proposals to be included in such major force
16 program category.

17 SEC. 8097. (a) Not later than 60 days after enact-
18 ment of this Act, the Office of the Director of National
19 Intelligence shall submit a report to the congressional in-
20 telligence committees to establish the baseline for applica-
21 tion of reprogramming and transfer authorities for fiscal
22 year 2011: *Provided*, That the report shall include—

23 (1) a table for each appropriation with a sepa-
24 rate column to display the President's budget re-
25 quest, adjustments made by Congress, adjustments

1 due to enacted rescissions, if appropriate, and the
2 fiscal year enacted level;

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

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

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

15 SEC. 8098. The Director of National Intelligence
16 shall submit to Congress each year, at or about the time
17 that the President's budget is submitted to Congress that
18 year under section 1105(a) of title 31, United States
19 Code, a future-years intelligence program (including asso-
20 ciated annexes) reflecting the estimated expenditures and
21 proposed appropriations included in that budget. Any such
22 future-years intelligence program shall cover the fiscal
23 year with respect to which the budget is submitted and
24 at least the four succeeding fiscal years.

1 SEC. 8099. For the purposes of this Act, the term
2 “congressional intelligence committees” means the Perma-
3 nent Select Committee on Intelligence of the House of
4 Representatives, the Select Committee on Intelligence of
5 the Senate, the Subcommittee on Defense of the Com-
6 mittee on Appropriations of the House of Representatives,
7 and the Subcommittee on Defense of the Committee on
8 Appropriations of the Senate.

9 SEC. 8100. The Department of Defense shall con-
10 tinue to report incremental contingency operations costs
11 for Operation New Dawn and Operation Enduring Free-
12 dom on a monthly basis in the Cost of War Execution
13 Report as prescribed in the Department of Defense Finan-
14 cial Management Regulation Department of Defense In-
15 struction 7000.14, Volume 12, Chapter 23 “Contingency
16 Operations”, Annex 1, dated September 2005.

17 SEC. 8101. The amounts appropriated in title II of
18 this Act are hereby reduced by \$483,000,000 to reflect
19 excess cash balances in Department of Defense Working
20 Capital Funds, as follows: From “Operation and Mainte-
21 nance, Army”, \$483,000,000.

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 8102. During the current fiscal year, not to ex-
24 ceed \$11,000,000 from each of the appropriations made
25 in title II of this Act for “Operation and Maintenance,

1 Army”, “Operation and Maintenance, Navy”, and “Oper-
2 ation and Maintenance, Air Force” may be transferred by
3 the military department concerned to its central fund es-
4 tablished for Fisher Houses and Suites pursuant to sec-
5 tion 2493(d) of title 10, United States Code.

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 8103. Of the funds appropriated in the Intel-
8 ligence Community Management Account for the Program
9 Manager for the Information Sharing Environment,
10 \$24,000,000 is available for transfer by the Director of
11 National Intelligence to other departments and agencies
12 for purposes of Government-wide information sharing ac-
13 tivities: *Provided*, That funds transferred under this provi-
14 sion are to be merged with and available for the same pur-
15 poses and time period as the appropriation to which trans-
16 ferred: *Provided further*, That the Office of Management
17 and Budget must approve any transfers made under this
18 provision.

19 SEC. 8104. Funds appropriated by this Act for oper-
20 ation and maintenance may be available for the purpose
21 of making remittances to the Defense Acquisition Work-
22 force Development Fund in accordance with the require-
23 ments of section 1705 of title 10, United States Code.

24 SEC. 8105. (a) Any agency receiving funds made
25 available in this Act, shall, subject to subsections (b) and

1 (c), post on the public website of that agency any report
2 required to be submitted by the Congress in this or any
3 other Act, upon the determination by the head of the agen-
4 cy that it shall serve the national interest.

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

6 (1) the public posting of the report com-
7 promises national security; or

8 (2) the report contains proprietary information.

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

13 SEC. 8106. (a) None of the funds appropriated or
14 otherwise made available by this Act may be expended for
15 any Federal contract for an amount in excess of
16 \$1,000,000 unless the contractor agrees not to:

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

1 distress, false imprisonment, or negligent hiring, su-
2 pervision, or retention; or

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

13 (b) None of the funds appropriated or otherwise
14 made available by this Act may be expended for any Fed-
15 eral contract unless the contractor certifies that it requires
16 each covered subcontractor to agree not to enter into, and
17 not to take any action to enforce any provision of, any
18 agreement as described in paragraphs (1) and (2) of sub-
19 section (a), with respect to any employee or independent
20 contractor performing work related to such subcontract.
21 For purposes of this subsection, a “covered subcon-
22 tractor” is an entity that has a subcontract in excess of
23 \$1,000,000 on a contract subject to subsection (a).

24 (c) The prohibitions in this section do not apply with
25 respect to a contractor’s or subcontractor’s agreements

1 with employees or independent contractors that may not
2 be enforced in a court of the United States.

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

21 (e) By March 1, 2011, or within 60 days after enact-
22 ment of this Act, whichever is later, the Government Ac-
23 countability Office shall submit a report to the Congress
24 evaluating the effect that the requirements of this section

1 have had on national security, including recommendations,
2 if any, for changes to these requirements.

3 SEC. 8107. (a) PROHIBITION ON CONVERSION OF
4 FUNCTIONS PERFORMED BY FEDERAL EMPLOYEES TO
5 CONTRACTOR PERFORMANCE.—None of the funds appro-
6 priated by this Act or otherwise available to the Depart-
7 ment of Defense may be used to begin or announce the
8 competition to award to a contractor or convert to per-
9 formance by a contractor any functions performed by Fed-
10 eral employees pursuant to a study conducted under Office
11 of Management and Budget (OMB) Circular A-76.

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

20 SEC. 8108. (a)(1) No National Intelligence Program
21 funds appropriated in this Act may be used for a mission
22 critical or mission essential business management infor-
23 mation technology system that is not registered with the
24 Director of National Intelligence. A system shall be con-
25 sidered to be registered with that officer upon the fur-

1 nishing notice of the system, together with such informa-
2 tion concerning the system as the Director of the Business
3 Transformation Office may prescribe.

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

12 (b) The Director of the Business Transformation Of-
13 fice shall provide the congressional intelligence committees
14 a semi-annual report of approvals under paragraph (1) no
15 later than March 30 and September 30 of each year. The
16 report shall include the results of the Business Trans-
17 formation Investment Review Board's semi-annual activi-
18 ties, and each report shall certify that the following steps
19 have been taken for systems approved under paragraph
20 (1):

21 (1) Business process reengineering.

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

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

3 (4) Performance measures.

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

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

10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 8109. Of the funds appropriated in this Act for
12 the Office of the Director of National Intelligence,
13 \$50,000,000, may be transferred to appropriations avail-
14 able to the Central Intelligence Agency, the National Secu-
15 rity Agency, and the National Geospatial Intelligence
16 Agency, the Defense Intelligence Agency and the National
17 Reconnaissance Office for the Business Transformation
18 Transfer Funds, to be merged with and to be available
19 for the same time period and the same purposes as the
20 appropriation to which transferred: *Provided*, That the
21 transfer authority provided under this provision is in addi-
22 tion to any other transfer authority contained in this Act.

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 8110. In addition to funds made available else-
25 where in this Act, there is hereby appropriated

1 \$538,875,000, to remain available until transferred: *Pro-*
2 *vided*, That these funds are appropriated to the “Tanker
3 Replacement Transfer Fund” (referred to as “the Fund”
4 elsewhere in this section): *Provided further*, That the Sec-
5 retary of the Air Force may transfer amounts in the Fund
6 to “Operation and Maintenance, Air Force”, “Aircraft
7 Procurement, Air Force”, and “Research, Development,
8 Test and Evaluation, Air Force”, only for the purposes
9 of proceeding with a tanker acquisition program: *Provided*
10 *further*, That funds transferred shall be merged with and
11 be available for the same purposes and for the same time
12 period as the appropriations or fund to which transferred:
13 *Provided further*, That this transfer authority is in addi-
14 tion to any other transfer authority available to the De-
15 partment of Defense: *Provided further*, That the Secretary
16 of the Air Force shall, not fewer than 15 days prior to
17 making transfers using funds provided in this section, no-
18 tify the congressional defense committees in writing of the
19 details of any such transfer: *Provided further*, That the
20 Secretary shall submit a report no later than 30 days after
21 the end of each fiscal quarter to the congressional defense
22 committees summarizing the details of the transfer of
23 funds from this appropriation.

24 SEC. 8111. (a) Each congressionally directed spend-
25 ing item specified in this Act or the explanatory statement

1 regarding this Act intended for award to a for-profit entity
2 shall be subject to acquisition regulations for full and open
3 competition on the same basis as each spending item in-
4 tended for a for-profit entity that is contained in the budg-
5 et request of the President.

6 (b) EXCEPTIONS.—Subsection (a) shall not apply to
7 any contract awarded—

8 (1) by a means that is required by Federal stat-
9 ute, including for a purchase made under a man-
10 dated preferential program;

11 (2) pursuant to the Small Business Act (15
12 U.S.C. 631 et seq.); or

13 (3) in an amount less than the simplified acqui-
14 sition threshold described in section 302A(a) of the
15 Federal Property and Administrative Services Act of
16 1949 (41 U.S.C. 252a(a)).

17 (c) In this section, the term “congressionally directed
18 spending item” means a congressionally directed spending
19 item, as defined in Rule XLIV of the Standing Rules of
20 the Senate.

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 8112. From within the funds appropriated for
23 operation and maintenance for the Defense Health Pro-
24 gram in this Act, up to \$132,200,000, shall be available
25 for transfer to the Joint Department of Defense-Depart-

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

19 SEC. 8113. (a) Of the amounts made available in this
20 Act under the heading “Operation and Maintenance,
21 Navy”, not less than \$2,000,000, shall be made available
22 for leveraging the Army’s Contractor Manpower Reporting
23 Application, modified as appropriate for Service-specific
24 requirements, for documenting the number of full-time
25 contractor employees (or its equivalent) pursuant to

1 United States Code title 10, section 2330a(c) and meeting
2 the requirements of United States Code title 10, section
3 2330a(e) and United States Code title 10, section 235.

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

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

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 8114. In addition to amounts provided else-
25 where in this Act, there is appropriated \$250,000,000, for

1 an additional amount for “Operation and Maintenance,
2 Defense-Wide”, to be available until expended: *Provided*,
3 That such funds shall only be available to the Secretary
4 of Defense, acting through the Office of Economic Adjust-
5 ment of the Department of Defense, or for transfer to the
6 Secretary of Education, notwithstanding any other provi-
7 sion of law, to make grants, conclude cooperative agree-
8 ments, or supplement other Federal funds to construct,
9 renovate, repair, or expand elementary and secondary pub-
10 lic schools on military installations in order to address ca-
11 pacity or facility condition deficiencies at such schools:
12 *Provided further*, That in making such funds available, the
13 Office of Economic Adjustment or the Secretary of Edu-
14 cation shall give priority consideration to those military
15 installations with schools having the most serious capacity
16 or facility condition deficiencies as determined by the Sec-
17 retary of Defense.

18 SEC. 8115. In addition to amounts provided else-
19 where in this Act, there is appropriated \$300,000,000, for
20 an additional amount for “Operation and Maintenance,
21 Defense-Wide”, to remain available until expended. Such
22 funds may be available for the Office of Economic Adjust-
23 ment, notwithstanding any other provision of law, for
24 transportation infrastructure improvements associated

1 with medical facilities related to recommendations of the
2 Defense Base Closure and Realignment Commission.

3 SEC. 8116. Section 310(b) of the Supplemental Ap-
4 propriations Act, 2009 (Public Law 111–32; 124 Stat.
5 1871) is amended by striking “1 year” both places it ap-
6 pears and inserting “2 years”.

7 SEC. 8117. The Office of the Director of National
8 Intelligence shall not employ more Senior Executive em-
9 ployees than are specified in the classified annex: *Pro-*
10 *vided*, That not later than 90 days after enactment of this
11 Act, the Director of National Intelligence shall certify that
12 the Office of the Director of National Intelligence selects
13 individuals for Senior Executive positions in a manner
14 consistent with statutes, regulations, and the requirements
15 of other Federal agencies in making such appointments
16 and will submit its policies and procedures related to the
17 appointment of personnel to Senior Executive positions to
18 the congressional intelligence oversight committees.

19 SEC. 8118. For all major defense acquisition pro-
20 grams for which the Department of Defense plans to pro-
21 ceed to source selection during the current fiscal year, the
22 Secretary of Defense shall perform an assessment of the
23 winning bidder to determine whether or not the proposed
24 costs are realistic and reasonable with respect to proposed
25 development and production costs. The Secretary of De-

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

7 SEC. 8119. (a) The Deputy Under Secretary of De-
8 fense for Installations and Environment, in collaboration
9 with the Secretary of Energy, shall conduct energy secu-
10 rity pilot projects at facilities of the Department of De-
11 fense.

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

17 SEC. 8120. None of the funds appropriated or other-
18 wise made available by this Act may be obligated or ex-
19 pended to pay a retired general or flag officer to serve
20 as a senior mentor advising the Department of Defense
21 unless such retired officer files a Standard Form 278 (or
22 successor form concerning public financial disclosure
23 under part 2634 of title 5, Code of Federal Regulations)
24 to the Office of Government Ethics.

1 SEC. 8121. Not later than 180 days after the date
2 of the enactment of this Act, the Secretary of Defense,
3 the Chief of the Air Force Reserve, and the Director of
4 the National Guard Bureau, in collaboration with the Sec-
5 retary of Agriculture and the Secretary of the Interior,
6 shall submit to the Committees on Appropriations of the
7 House and Senate, the House Committee on Agriculture,
8 the Senate Committee on Agriculture, Nutrition and For-
9 estry, the House Committee on Natural Resources, and
10 the Senate Committee on Energy and Natural Resources
11 a report of firefighting aviation assets. The report re-
12 quired under this section shall include each of the fol-
13 lowing:

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

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

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

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

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

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

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

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

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

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

16 SEC. 8122. In addition to the amounts appropriated
17 or otherwise made available elsewhere in this Act,
18 \$41,400,000 is hereby appropriated to the Department of
19 Defense: *Provided*, That the Secretary of Defense shall
20 make grants in the amounts specified as follows:
21 \$6,400,000 to the SOAR Virtual School District;
22 \$7,800,000 to the New Jersey Technology Solutions Cen-
23 ter; \$8,000,000 to the Edward M. Kennedy Institute for
24 the United States Senate; \$10,000,000 to the John P.
25 Murtha Foundation; \$1,040,000 to the Women in Military

1 Service for American Memorial Foundation; \$8,000,000
2 to the Paralympics Military Program; and \$160,000 to the
3 Online Tax Preparation Assistance for Servicemembers.

4 SEC. 8123. Subject to the availability of appropria-
5 tions, the Secretary of the Navy may award a contract
6 or contracts for up to 20 Littoral Combat Ships (LCS).

7 SEC. 8124. Section 115 of the Miscellaneous Appro-
8 priations and Offsets Act, 2004 (division H of Public Law
9 108–199; 118 Stat. 439), as amended by section 1017 of
10 the Emergency Supplemental Appropriations Act for De-
11 fense, the Global War on Terror, and Tsunami Relief,
12 2005 (Public Law 109–13; 119 Stat. 250), is amended
13 by striking all after “company” through “requirements.”
14 and inserting “, of ocean going commercial vessels of
15 20,000 dwt or greater capable of supporting military sea-
16 lift requirements.”.

17 SEC. 8125. Of the funds provided in this Act,
18 \$3,600,000 shall be available for the operations and devel-
19 opment of training and technology for the Columbia
20 Geospatial Center and the affiliated universities for pro-
21 viding mapping information in support of emergency plan-
22 ning and response, economic development and resource
23 management: *Provided*, That this funding will provide
24 homeland defense/security and traditional warfighting
25 training to the Department of Defense, other Federal

1 agencies, and State and local first responder agencies and
2 personnel: *Provided further*, That this funding is also
3 available to pay for services provided to other Federal
4 agencies and State and local first responder agencies and
5 personnel by the Columbia Geospatial Center and the af-
6 filiated universities for service rendered between October
7 1, 2009 and September 30, 2010.

8 SEC. 8126. The authority provided by section 1222(e)
9 of the National Defense Authorization Act for Fiscal Year
10 2010 (Public Law 111–84), shall continue in effect
11 through September 30, 2011.

12 SEC. 8127. The authority provided by section 1234
13 of the National Defense Authorization Act for Fiscal Year
14 2010 (Public Law 111–84; 123 Stat. 2532) shall continue
15 in effect through the earlier of the date of enactment of
16 the National Defense Authorization Act for Fiscal Year
17 2011 or December 31, 2011.

18 SEC. 8128. The authority provided by section 1224
19 of the National Defense Authorization Act for Fiscal Year
20 2010 (Public Law 111–84; 123 Stat. 2521) shall continue
21 in effect through the earlier of the date of enactment of
22 the National Defense Authorization Act for Fiscal Year
23 2011 or December 31, 2011.

24 SEC. 8129. Notwithstanding any other provision of
25 law, during fiscal year 2011 up to \$75,000,000 of funds

1 made available for operation and maintenance in this Act
2 may be obligated and expended for purposes of building
3 the capacity of Yemeni Ministry of Interior forces to con-
4 duct counterterrorism operations, subject to the direction
5 and control of the Secretary of Defense, with the concur-
6 rence of the Secretary of State: *Provided*, That the Sec-
7 retary of Defense shall, not fewer than 15 days prior to
8 providing assistance under this section, submit to the con-
9 gressional defense committees a notice setting forth the
10 assistance to be provided, including the types of such as-
11 sistance, the budget for such assistance, and the comple-
12 tion date for the provision of such assistance.

13 SEC. 8130. The authority provided by section 1014
14 of the Duncan Hunter National Defense Authorization
15 Act for Fiscal Year 2009 (Public Law 110–417), shall
16 continue in effect through the earlier of the date of enact-
17 ment of the National Defense Authorization Act for Fiscal
18 Year 2011 or December 31, 2011.

19 SEC. 8131. Section 8905a(d)(4)(B) of title 5, United
20 States Code, is amended—

21 (1) in clause (i), by striking “October 1, 2010”
22 and inserting “December 31, 2011”; and

23 (2) in clause (ii)—

24 (A) by striking “February 1, 2011” and
25 inserting “February 1, 2012”; and

1 (B) by striking “October 1, 2010” and in-
2 serting “December 31, 2011”.

3 SEC. 8132. The authority provided by section 1021
4 of the Ronald W. Reagan National Defense Authorization
5 Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat.
6 2042), as amended by section 1011 of the National De-
7 fense Authorization Act for Fiscal Year 2010 (Public Law
8 111–84; 123 Stat. 2441), shall continue in effect through
9 the earlier of the date of enactment of the National De-
10 fense Authorization Act for Fiscal Year 2011 or Sep-
11 tember 30, 2011.

12 SEC. 8133. The authority provided by section 1022
13 of the National Defense Authorization Act for Fiscal Year
14 2004 (Public Law 108–136; 10 U.S.C. 371 note), as
15 amended by section 1012 of the National Defense Author-
16 ization Act for Fiscal Year 2010 (Public Law 111–84; 123
17 Stat. 2441), shall continue in effect through the earlier
18 of the date of enactment of the National Defense Author-
19 ization Act for Fiscal Year 2011 or September 30, 2011.

20 SEC. 8134. The authority provided by section 1033
21 of the National Defense Authorization Act for Fiscal Year
22 1998 (Public Law 105–85), as amended by section 1014
23 of the National Defense Authorization Act for Fiscal Year
24 2010 (Public Law 111–84; 123 Stat. 2442), shall continue
25 in effect through the earlier of the date of enactment of

1 the National Defense Authorization Act for Fiscal Year
2 2011 or September 30, 2011.

3 SEC. 8135. The authority provided by sections 611,
4 612, 613, 614, 615, and 616 of the National Defense Au-
5 thorization Act for Fiscal Year 2010 (Public Law 111-
6 84) shall continue in effect through the earlier of the date
7 of enactment of the National Defense Authorization Act
8 for Fiscal Year 2011 or December 31, 2011.

9 SEC. 8136. The authority provided by section 631 of
10 the National Defense Authorization Act for Fiscal Year
11 2008 (Public Law 110-181) shall continue in effect
12 through the earlier of the date of enactment of the Na-
13 tional Defense Authorization Act for Fiscal Year 2011 or
14 December 31, 2011.

15 SEC. 8137. The authority provided by section 1071
16 of the National Defense Authorization Act for Fiscal Year
17 2010 (Public Law 111-84) shall continue in effect
18 through the earlier of the date of enactment of the Na-
19 tional Defense Authorization Act for Fiscal Year 2011 or
20 December 31, 2011.

21 SEC. 8138. The authority provided by section 931 of
22 the National Defense Authorization Act for Fiscal Year
23 2007 (Public Law 109-364) shall continue in effect
24 through the earlier of the date of enactment of the Na-

1 tional Defense Authorization Act for Fiscal Year 2011 or
2 December 31, 2011.

3 SEC. 8139. The authority provided by section 1106
4 of the National Defense Authorization Act for Fiscal Year
5 2010 (Public Law 111–84) shall continue in effect
6 through the earlier of the date of enactment of the Na-
7 tional Defense Authorization Act for Fiscal Year 2011 or
8 December 31, 2011.

9 SEC. 8140. (a) EXTENSION OF WAIVER.—Paragraph
10 (1) of section 941(b) of the Duncan Hunter National De-
11 fense Authorization Act for Fiscal Year 2009 (Public Law
12 110–417; 122 Stat. 4577; 10 U.S.C. 184 note) is amended
13 by striking “fiscal years 2009 and 2010” and inserting
14 “fiscal years 2009 through 2011.”

15 (b) ANNUAL REPORT.—Paragraph (3) of such sec-
16 tion 941(b) is amended by striking “in 2010 and 2011”
17 and inserting “in each year through 2012.”

18 SEC. 8141. Subsection (a) of section 2808 of the Mili-
19 tary Construction Authorization Act for Fiscal Year 2004
20 (division B of Public Law 108–136; 117 Stat. 1723), as
21 amended by section 2806 of the Military Construction Au-
22 thorization Act for Fiscal Year 2010 (division B of Public
23 Law 111–84; 123 Stat. 2660), shall continue in effect
24 through September 30, 2011.

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TITLE IX

OVERSEAS CONTINGENCY OPERATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for “Military Personnel,
Army”, \$11,468,033,000.

MILITARY PERSONNEL, NAVY

For an additional amount for “Military Personnel,
Navy”, \$1,308,719,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for “Military Personnel,
Marine Corps”, \$732,920,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for “Military Personnel,
Air Force”, \$2,060,442,000.

RESERVE PERSONNEL, ARMY

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

RESERVE PERSONNEL, NAVY

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

RESERVE PERSONNEL, MARINE CORPS

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

1 RESERVE PERSONNEL, AIR FORCE

2 For an additional amount for “Reserve Personnel,
3 Air Force”, \$27,002,000.

4 NATIONAL GUARD PERSONNEL, ARMY

5 For an additional amount for “National Guard Per-
6 sonnel, Army”, \$853,022,000.

7 NATIONAL GUARD PERSONNEL, AIR FORCE

8 For an additional amount for “National Guard Per-
9 sonnel, Air Force”, \$16,860,000.

10 OPERATION AND MAINTENANCE

11 OPERATION AND MAINTENANCE, ARMY

12 For an additional amount for “Operation and Main-
13 tenance, Army”, \$59,212,782,000.

14 OPERATION AND MAINTENANCE, NAVY

15 For an additional amount for “Operation and Main-
16 tenance, Navy”, \$8,970,724,000.

17 OPERATION AND MAINTENANCE, MARINE CORPS

18 For an additional amount for “Operation and Main-
19 tenance, Marine Corps”, \$4,008,022,000.

20 OPERATION AND MAINTENANCE, AIR FORCE

21 For an additional amount for “Operation and Main-
22 tenance, Air Force”, \$12,989,643,000.

23 OPERATION AND MAINTENANCE, DEFENSE-WIDE

24 For an additional amount for “Operation and Main-
25 tenance, Defense-Wide”, \$9,276,990,000, of which:

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

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

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

12 OPERATION AND MAINTENANCE, ARMY RESERVE

13 For an additional amount for “Operation and Main-
14 tenance, Army Reserve”, \$206,784,000.

15 OPERATION AND MAINTENANCE, NAVY RESERVE

16 For an additional amount for “Operation and Main-
17 tenance, Navy Reserve”, \$93,559,000.

18 OPERATION AND MAINTENANCE, MARINE CORPS

19 RESERVE

20 For an additional amount for “Operation and Main-
21 tenance, Marine Corps Reserve”, \$29,685,000.

22 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

23 For an additional amount for “Operation and Main-
24 tenance, Air Force Reserve”, \$203,807,000.

1 undertake such infrastructure projects is in addition to
2 any other authority to provide assistance to foreign na-
3 tions: *Provided further*, That any projects funded by this
4 appropriation shall be jointly formulated and concurred in
5 by the Secretary of State and Secretary of Defense: *Pro-*
6 *vided further*, That funds may be transferred to the De-
7 partment of State for purposes of undertaking projects,
8 which funds shall be considered to be economic assistance
9 under the Foreign Assistance Act of 1961 for purposes
10 of making available the administrative authorities con-
11 tained in that Act: *Provided further*, That the transfer au-
12 thority in the preceding proviso is in addition to any other
13 authority available to the Department of Defense to trans-
14 fer funds: *Provided further*, That any unexpended funds
15 transferred to the Secretary of State under this authority
16 shall be returned to the Afghanistan Infrastructure Fund
17 if the Secretary of State, in coordination with the Sec-
18 retary of Defense, determines that the project cannot be
19 implemented for any reason, or that the project no longer
20 supports the counterinsurgency strategy in Afghanistan:
21 *Provided further*, That any funds returned to the Sec-
22 retary of Defense under the previous proviso shall be avail-
23 able for use under this appropriation and shall be treated
24 in the same manner as funds not transferred to the Sec-
25 retary of State: *Provided further*, That contributions of

1 funds for the purposes provided herein to the Secretary
2 of State in accordance with section 635(d) of the Foreign
3 Assistance Act from any person, foreign government, or
4 international organization may be credited to this Fund,
5 to remain available until expended, and used for such pur-
6 poses: *Provided further*, That the Secretary of Defense
7 shall, not fewer than 15 days prior to making transfers
8 to or from, or obligations from the Fund, notify the appro-
9 priate committees of Congress in writing of the details of
10 any such transfer: *Provided further*, That the “appropriate
11 committees of Congress” are the Committees on Armed
12 Services, Foreign Relations and Appropriations of the
13 Senate and the Committees on Armed Services, Foreign
14 Affairs and Appropriations of the House of Representa-
15 tives.

16 AFGHANISTAN SECURITY FORCES FUND

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

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

1 IRAQ SECURITY FORCES FUND

2 For the “Iraq Security Forces Fund”,
3 \$1,500,000,000, to remain available until September 30,
4 2012: *Provided*, That such funds shall be available to the
5 Secretary of Defense, notwithstanding any other provision
6 of law, for the purpose of allowing the Commander, United
7 States Forces-Iraq, or the Secretary’s designee, to provide
8 assistance, with the concurrence of the Secretary of State,
9 to the security forces of Iraq, including the provision of
10 equipment, supplies, services, training, facility and infra-
11 structure repair, and renovation: *Provided further*, That
12 the authority to provide assistance under this heading is
13 in addition to any other authority to provide assistance
14 to foreign nations: *Provided further*, That contributions of
15 funds for the purposes provided herein from any person,
16 foreign government, or international organization may be
17 credited to this Fund and used for such purposes: *Pro-*
18 *vided further*, That the Secretary shall notify the congres-
19 sional defense committees in writing upon the receipt and
20 upon the obligation of any contribution, delineating the
21 sources and amounts of the funds received and the specific
22 use of such contributions: *Provided further*, That the Sec-
23 retary of Defense shall, not fewer than 15 days prior to
24 obligating from this appropriation account, notify the con-
25 gressional defense committees in writing of the details of

1 any such obligation: *Provided further*, That the Secretary
2 of Defense shall notify the congressional defense commit-
3 tees of any proposed new projects or transfer of funds be-
4 tween budget sub-activity groups in excess of
5 \$20,000,000.

6 PROCUREMENT

7 AIRCRAFT PROCUREMENT, ARMY

8 For an additional amount for “Aircraft Procurement,
9 Army”, \$2,720,138,000, to remain available until Sep-
10 tember 30, 2013.

11 MISSILE PROCUREMENT, ARMY

12 For an additional amount for “Missile Procurement,
13 Army”, \$343,828,000, to remain available until Sep-
14 tember 30, 2013.

15 PROCUREMENT OF WEAPONS AND TRACKED COMBAT

16 VEHICLES, ARMY

17 For an additional amount for “Procurement of Weap-
18 ons and Tracked Combat Vehicles, Army”, \$896,996,000,
19 to remain available until September 30, 2013.

20 PROCUREMENT OF AMMUNITION, ARMY

21 For an additional amount for “Procurement of Am-
22 muniton, Army”, \$369,885,000, to remain available until
23 September 30, 2013.

1 OTHER PROCUREMENT, ARMY

2 For an additional amount for “Other Procurement,
3 Army”, \$6,423,832,000, to remain available until Sep-
4 tember 30, 2013.

5 AIRCRAFT PROCUREMENT, NAVY

6 For an additional amount for “Aircraft Procurement,
7 Navy”, \$1,269,549,000, to remain available until Sep-
8 tember 30, 2013.

9 WEAPONS PROCUREMENT, NAVY

10 For an additional amount for “Weapons Procure-
11 ment, Navy”, \$90,502,000, to remain available until Sep-
12 tember 30, 2013.

13 PROCUREMENT OF AMMUNITION, NAVY AND MARINE

14 CORPS

15 For an additional amount for “Procurement of Am-
16 munition, Navy and Marine Corps”, \$558,024,000, to re-
17 main available until September 30, 2013.

18 OTHER PROCUREMENT, NAVY

19 For an additional amount for “Other Procurement,
20 Navy”, \$316,835,000, to remain available until September
21 30, 2013.

22 PROCUREMENT, MARINE CORPS

23 For an additional amount for “Procurement, Marine
24 Corps”, \$1,589,119,000, to remain available until Sep-
25 tember 30, 2013.

1 AIRCRAFT PROCUREMENT, AIR FORCE

2 For an additional amount for “Aircraft Procurement,
3 Air Force”, \$1,991,955,000, to remain available until
4 September 30, 2013.

5 MISSILE PROCUREMENT, AIR FORCE

6 For an additional amount for “Missile Procurement,
7 Air Force”, \$56,621,000, to remain available until Sep-
8 tember 30, 2013.

9 PROCUREMENT OF AMMUNITION, AIR FORCE

10 For an additional amount for “Procurement of Am-
11 munition, Air Force”, \$292,959,000, to remain available
12 until September 30, 2013.

13 OTHER PROCUREMENT, AIR FORCE

14 For an additional amount for “Other Procurement,
15 Air Force”, \$2,868,593,000, to remain available until
16 September 30, 2013.

17 PROCUREMENT, DEFENSE-WIDE

18 For an additional amount for “Procurement, De-
19 fense-Wide”, \$1,262,499,000, to remain available until
20 September 30, 2013.

21 NATIONAL GUARD AND RESERVE EQUIPMENT

22 For procurement of aircraft, missiles, tracked combat
23 vehicles, ammunition, other weapons and other procure-
24 ment for the reserve components of the Armed Forces,
25 \$850,000,000, to remain available for obligation until Sep-

1 tember 30, 2013, of which \$250,000,000 shall be available
2 only for the Army National Guard: *Provided*, That the
3 Chiefs of National Guard and Reserve components shall,
4 not later than 30 days after the enactment of this Act,
5 individually submit to the congressional defense commit-
6 tees the modernization priority assessment for their re-
7 spective National Guard or Reserve component.

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

10 For the Mine Resistant Ambush Protected Vehicle
11 Fund, \$3,415,000,000, to remain available until Sep-
12 tember 30, 2012: *Provided*, That such funds shall be avail-
13 able to the Secretary of Defense, notwithstanding any
14 other provision of law, to procure, sustain, transport, and
15 field Mine Resistant Ambush Protected vehicles: *Provided*
16 *further*, That the Secretary shall transfer such funds only
17 to appropriations made available in this or any other Act
18 for operation and maintenance; procurement; research, de-
19 velopment, test and evaluation; and defense working cap-
20 ital funds to accomplish the purpose provided herein: *Pro-*
21 *vided further*, That such transferred funds shall be merged
22 with and be available for the same purposes and the same
23 time period as the appropriation to which transferred:
24 *Provided further*, That this transfer authority is in addi-
25 tion to any other transfer authority available to the De-

1 department of Defense: *Provided further*, That the Secretary
2 shall, not fewer than 10 days prior to making transfers
3 from this appropriation, notify the congressional defense
4 committees in writing of the details of any such transfer.

5 RESEARCH, DEVELOPMENT, TEST AND
6 EVALUATION

7 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
8 ARMY

9 For an additional amount for “Research, Develop-
10 ment, Test and Evaluation, Army”, \$143,234,000, to re-
11 main available until September 30, 2012.

12 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
13 NAVY

14 For an additional amount for “Research, Develop-
15 ment, Test and Evaluation, Navy”, \$104,781,000, to re-
16 main available until September 30, 2012.

17 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
18 AIR FORCE

19 For an additional amount for “Research, Develop-
20 ment, Test and Evaluation, Air Force”, \$484,382,000, to
21 remain available until September 30, 2012.

22 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
23 DEFENSE-WIDE

24 For an additional amount for “Research, Develop-
25 ment, Test and Evaluation, Defense-Wide”,

1 \$222,616,000, to remain available until September 30,
2 2012.

3 REVOLVING AND MANAGEMENT FUNDS

4 DEFENSE WORKING CAPITAL FUNDS

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

7 OTHER DEPARTMENT OF DEFENSE PROGRAMS

8 DEFENSE HEALTH PROGRAM

9 For an additional amount for “Defense Health Pro-
10 gram”, \$1,422,092,000, of which \$1,398,092,000 shall be
11 for operation and maintenance, to remain available until
12 September 30, 2011, and of which \$24,000,000 shall be
13 for research, development, test and evaluation, to remain
14 available until September 30, 2012.

15 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

16 DEFENSE

17 For an additional amount for “Drug Interdiction and
18 Counter-Drug Activities, Defense”, \$440,510,000, to re-
19 main available until September 30, 2012.

20 JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

21 (INCLUDING TRANSFER OF FUNDS)

22 For the “Joint Improvised Explosive Device Defeat
23 Fund”, \$2,793,768,000, to remain available until Sep-
24 tember 30, 2013: *Provided*, That such funds shall be avail-
25 able to the Secretary of Defense, notwithstanding any

1 other provision of law, for the purpose of allowing the Di-
2 rector of the Joint Improvised Explosive Device Defeat
3 Organization to investigate, develop and provide equip-
4 ment, supplies, services, training, facilities, personnel and
5 funds to assist United States forces in the defeat of impro-
6 vised explosive devices: *Provided further*, That the Sec-
7 retary of Defense may transfer funds provided herein to
8 appropriations for military personnel; operation and main-
9 tenance; procurement; research, development, test and
10 evaluation; and defense working capital funds to accom-
11 plish the purpose provided herein: *Provided further*, That
12 this transfer authority is in addition to any other transfer
13 authority available to the Department of Defense: *Pro-*
14 *vided further*, That the Secretary of Defense shall, not
15 fewer than 15 days prior to making transfers from this
16 appropriation, notify the congressional defense committees
17 in writing of the details of any such transfer.

18 OFFICE OF THE INSPECTOR GENERAL

19 For an additional amount for the “Office of the In-
20 spector General”, \$10,529,000.

21 GENERAL PROVISIONS—THIS TITLE

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

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 9002. Upon the determination of the Secretary
3 of Defense that such action is necessary in the national
4 interest, the Secretary may, with the approval of the Of-
5 fice of Management and Budget, transfer up to
6 \$4,000,000,000 between the appropriations or funds made
7 available to the Department of Defense in this title: *Pro-*
8 *vided*, That the Secretary shall notify the Congress
9 promptly of each transfer made pursuant to the authority
10 in this section: *Provided further*, That the authority pro-
11 vided in this section is in addition to any other transfer
12 authority available to the Department of Defense and is
13 subject to the same terms and conditions as the authority
14 provided in the Department of Defense Appropriations
15 Act, 2011.

16 SEC. 9003. Supervision and administration costs as-
17 sociated with a construction project funded with appro-
18 priations available for operation and maintenance or the
19 “Afghanistan Security Forces Fund” provided in this Act
20 and executed in direct support of overseas contingency op-
21 erations in Afghanistan, may be obligated at the time a
22 construction contract is awarded: *Provided*, That for the
23 purpose of this section, supervision and administration
24 costs include all in-house Government costs.

1 SEC. 9004. From funds made available in this title,
2 the Secretary of Defense may purchase for use by military
3 and civilian employees of the Department of Defense in
4 Iraq and Afghanistan: (a) passenger motor vehicles up to
5 a limit of \$75,000 per vehicle and (b) heavy and light ar-
6 mored vehicles for the physical security of personnel or
7 for force protection purposes up to a limit of \$250,000
8 per vehicle, notwithstanding price or other limitations ap-
9 plicable to the purchase of passenger carrying vehicles.

10 SEC. 9005. Not to exceed \$500,000,000 of the
11 amount appropriated in this title under the heading “Op-
12 eration and Maintenance, Army” may be used, notwith-
13 standing any other provision of law, to fund the Com-
14 mander’s Emergency Response Program (CERP), for the
15 purpose of enabling military commanders in Iraq and Af-
16 ghanistan to respond to urgent, small scale, humanitarian
17 relief and reconstruction requirements within their areas
18 of responsibility: *Provided*, That projects (including any
19 ancillary or related elements in connection with such
20 project) executed under this authority shall not exceed
21 \$20,000,000: *Provided further*, That not later than 45
22 days after the end of each fiscal year quarter, the Sec-
23 retary of Defense shall submit to the congressional defense
24 committees a report regarding the source of funds and the
25 allocation and use of funds during that quarter that were

1 made available pursuant to the authority provided in this
2 section or under any other provision of law for the pur-
3 poses described herein: *Provided further*, That, not later
4 than 30 days after the end of each month, the Army shall
5 submit to the congressional defense committees monthly
6 commitment, obligation, and expenditure data for the
7 Commander's Emergency Response Program in Iraq and
8 Afghanistan: *Provided further*, That not less than 15 days
9 before making funds available pursuant to the authority
10 provided in this section or under any other provision of
11 law for the purposes described herein for a project with
12 a total anticipated cost for completion of \$5,000,000 or
13 more, the Secretary shall submit to the congressional de-
14 fense committees a written notice containing each of the
15 following:

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

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

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

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

17 SEC. 9007. The amounts provided by this title are
18 designated as described in section 5 (in the matter pre-
19 ceding division A of this consolidated Act).

20 SEC. 9008. None of the funds appropriated or other-
21 wise made available by this or any other Act shall be obli-
22 gated or expended by the United States Government for
23 a purpose as follows:

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

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

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

10 SEC. 9009. None of the funds made available in this
11 Act may be used in contravention of the following laws
12 enacted or regulations promulgated to implement the
13 United Nations Convention Against Torture and Other
14 Cruel, Inhuman or Degrading Treatment or Punishment
15 (done at New York on December 10, 1984):

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

18 (2) Section 2242 of the Foreign Affairs Reform
19 and Restructuring Act of 1998 (division G of Public
20 Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231
21 note) and regulations prescribed thereto, including
22 regulations under part 208 of title 8, Code of Fed-
23 eral Regulations, and part 95 of title 22, Code of
24 Federal Regulations.

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

6 SEC. 9010. (a) The Secretary of Defense shall submit
7 to the congressional defense committees not later than 45
8 days after the end of each fiscal quarter a report on the
9 proposed use of all funds appropriated by this or any prior
10 Act under each of the headings Iraq Security Forces
11 Fund, Afghanistan Security Forces Fund, Afghanistan In-
12 frastructure Fund, and Pakistan Counterinsurgency Fund
13 on a project-by-project basis, for which the obligation of
14 funds is anticipated during the 3-month period from such
15 date, including estimates for the accounts referred to in
16 this section of the costs required to complete each such
17 project.

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

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

1 \$3,375,000 is available, as specified in the classified
2 annex, for transfer to other departments and agencies of
3 the Federal Government.

4 SEC. 9013. (a) The Task Force for Business and Sta-
5 bility Operations in Afghanistan may, subject to the direc-
6 tion and control of the Secretary of Defense and with the
7 concurrence of the Secretary of State, carry out projects
8 in fiscal year 2011 to assist the commander of the United
9 States Central Command in developing a link between
10 United States military operations in Afghanistan under
11 Operation Enduring Freedom and the economic elements
12 of United States national power in order to reduce vio-
13 lence, enhance stability, and restore economic normalcy in
14 Afghanistan through strategic business and economic op-
15 portunities.

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

21 (c) The Secretary may use up to \$150,000,000 of the
22 funds available for overseas contingency operations in
23 “Operation and Maintenance, Army” for additional activi-
24 ties to carry out projects under paragraph (a).

1 SEC. 9014. (a) Not more than 85 percent of the
2 funds provided in this title for Operation and Maintenance
3 may be available for obligation or expenditure until the
4 date on which the Secretary of Defense submits the report
5 under subsection (b).

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

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

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

22 (A) the number of such employees planned
23 by the Secretary to be employed during each
24 such period in each of Iraq, Afghanistan, and

1 all other areas of operations of the United
2 States Central Command; and

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

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

9 **DIVISION D—ENERGY AND WATER DEVEL-**
10 **OPMENT AND RELATED AGENCIES AP-**
11 **PROPRIATIONS ACT, 2011**

12 TITLE I
13 CORPS OF ENGINEERS—CIVIL
14 DEPARTMENT OF THE ARMY
15 CORPS OF ENGINEERS—CIVIL

16 The following appropriations shall be expended under
17 the direction of the Secretary of the Army and the super-
18 vision of the Chief of Engineers for authorized civil func-
19 tions of the Department of the Army pertaining to rivers
20 and harbors, flood and storm damage reduction, shore
21 protection, aquatic ecosystem restoration, and related ef-
22 forts.

23 INVESTIGATIONS

24 For expenses necessary where authorized by law for
25 the collection and study of basic information pertaining

1 to river and harbor, flood and storm damage reduction,
2 shore protection, aquatic ecosystem restoration, and re-
3 lated needs; for surveys and detailed studies, and plans
4 and specifications of proposed river and harbor, flood and
5 storm damage reduction, shore protection, and aquatic
6 ecosystem restoration projects and related efforts prior to
7 construction; for restudy of authorized projects; and for
8 miscellaneous investigations and, when authorized by law,
9 surveys and detailed studies, and plans and specifications
10 of projects prior to construction, \$150,000,000, to remain
11 available until expended.

12 CONSTRUCTION

13 For expenses necessary for the construction of river
14 and harbor, flood and storm damage reduction, shore pro-
15 tection, aquatic ecosystem restoration, and related
16 projects authorized by law; for conducting detailed studies,
17 and plans and specifications, of such projects (including
18 those involving participation by States, local governments,
19 or private groups) authorized or made eligible for selection
20 by law (but such detailed studies, and plans and specifica-
21 tions, shall not constitute a commitment of the Govern-
22 ment to construction); \$1,823,625,000, to remain avail-
23 able until expended; of which such sums as are necessary
24 to cover the Federal share of construction costs for facili-
25 ties under the Dredged Material Disposal Facilities pro-

1 gram shall be derived from the Harbor Maintenance Trust
2 Fund as authorized by Public Law 104–303; and of which
3 such sums as are necessary to cover one-half of the costs
4 of construction, replacement, rehabilitation, and expansion
5 of inland waterways projects (including only Kentucky
6 Lock and Dam, Tennessee River, Kentucky; Lock and
7 Dams 2, 3, and 4 Monongahela River, Pennsylvania; Lock
8 and Dam 27, Mississippi River, Illinois; Markland Locks
9 and Dam, Kentucky and Indiana; Olmsted Lock and Dam,
10 Illinois and Kentucky; and Emsworth Locks and Dam,
11 Ohio River, Pennsylvania) shall be derived from the Inland
12 Waterways Trust Fund: *Provided*, That the Chief of Engi-
13 neers is directed to use \$20,500,000 of the funds appro-
14 priated herein for the Dallas Floodway Extension, Texas,
15 project, including the Cadillac Heights feature, generally
16 in accordance with the Chief of Engineers report dated
17 December 7, 1999: *Provided further*, That the Chief of En-
18 gineers is directed to use \$1,434,000 of funds available
19 for the Greenbrier Basin, Marlinton, West Virginia, Local
20 Protection Project to continue engineering and design ef-
21 forts, execute a project partnership agreement for phases
22 1 and 2, and initiate construction of the project substan-
23 tially in accordance with Alternative 1 as described in the
24 Corps of Engineers Final Detailed Project Report and En-
25 vironmental Impact Statement for Marlinton, West Vir-

1 ginia, Local Protection Project dated September 2008
2 with the Federal and non-Federal cost shares determined
3 in accordance with the ability-to-pay provisions prescribed
4 in section 103(m) of the Water Resources Development
5 Act of 1986: *Provided further*, That the Chief of Engineers
6 is directed to use \$2,750,000 of the funds appropriated
7 herein to continue planning, engineering, design or con-
8 struction of the Lower Mingo County, Upper Mingo Coun-
9 ty, Wayne County, McDowell County, West Virginia, ele-
10 ments of the Levisa and Tug Forks of the Big Sandy
11 River and Upper Cumberland River Project: *Provided fur-*
12 *ther*, That the limitation concerning total project costs in
13 section 902 of the Water Resources Development Act of
14 1986 (33 U.S.C. 2280), shall not apply during fiscal year
15 2011 to any project that received funds provided in this
16 title.

17 MISSISSIPPI RIVER AND TRIBUTARIES

18 For expenses necessary for flood damage reduction
19 projects and related efforts in the Mississippi River allu-
20 vial valley below Cape Girardeau, Missouri, as authorized
21 by law, \$325,000,000, to remain available until expended,
22 of which such sums as are necessary to cover the Federal
23 share of eligible operation and maintenance costs for in-
24 land harbors shall be derived from the Harbor Mainte-
25 nance Trust Fund: *Provided*, That the Secretary of the

1 Army, acting through the Chief of Engineers is directed
2 to use \$10,500,000 appropriated herein for construction
3 of water withdrawal features of the Grand Prairie, Arkan-
4 sas, project.

5 OPERATION AND MAINTENANCE

6 For expenses necessary for the operation, mainte-
7 nance, and care of existing river and harbor, flood and
8 storm damage reduction, aquatic ecosystem restoration,
9 and related projects authorized by law; providing security
10 for infrastructure owned or operated by the Corps, includ-
11 ing administrative buildings and laboratories; maintaining
12 harbor channels provided by a State, municipality, or
13 other public agency that serve essential navigation needs
14 of general commerce, where authorized by law; surveying
15 and charting northern and northwestern lakes and con-
16 necting waters; clearing and straightening channels; and
17 removing obstructions to navigation, \$2,475,000,000, to
18 remain available until expended, of which such sums as
19 are necessary to cover the Federal share of eligible oper-
20 ation and maintenance costs for coastal harbors and chan-
21 nels, and for inland harbors shall be derived from the Har-
22 bor Maintenance Trust Fund; of which such sums as be-
23 come available from the special account for the Corps es-
24 tablished by the Land and Water Conservation Act of
25 1965 (16 U.S.C. 460l-6a(i)), shall be derived from that

1 account for resource protection, research, interpretation,
2 and maintenance activities related to resource protection
3 in the areas at which outdoor recreation is available; and
4 of which such sums as become available from fees collected
5 under section 217 of the Water Resources Development
6 Act of 1996 (Public Law 104–303) shall be used to cover
7 the cost of operation and maintenance of the dredged ma-
8 terial disposal facilities for which such fees have been col-
9 lected: *Provided*, That 1 percent of the total amount of
10 funds provided for each of the programs, projects or activi-
11 ties funded under this heading shall be available for use
12 by the Chief of Engineers to fund such emergency activi-
13 ties as the Chief of Engineers determines to be necessary
14 and appropriate.

15 **REGULATORY PROGRAM**

16 For expenses necessary for administration of laws
17 pertaining to regulation of navigable waters and wetlands,
18 \$193,000,000, to remain available until expended.

19 **FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM**

20 For expenses necessary to clean up contamination
21 from sites in the United States resulting from work per-
22 formed as part of the Nation's early atomic energy pro-
23 gram, \$130,000,000, to remain available until expended.

1 FLOOD CONTROL AND COASTAL EMERGENCIES

2 For expenses necessary to prepare for flood, hurri-
3 cane, and other natural disasters and to support emer-
4 gency operations, repairs, and other activities in response
5 to such disasters as authorized by law, \$30,000,000, to
6 remain available until expended.

7 EXPENSES

8 For expenses necessary for the supervision and gen-
9 eral administration of the civil works program in Corps
10 headquarters and division offices; and for the management
11 and operation costs allocable to the civil works program
12 of the Humphreys Engineer Center Support Activity, the
13 Institute for Water Resources, the Engineer Research and
14 Development Center, and the Corps Finance Center,
15 \$187,375,000, to remain available until expended, of
16 which not to exceed \$5,000 may be used for official recep-
17 tion and representation purposes and only during the cur-
18 rent fiscal year: *Provided*, That no part of any other ap-
19 propriation in this title shall be available to fund the above
20 activities: *Provided further*, That any Flood Control and
21 Coastal Emergencies appropriation may be used to fund
22 the supervision and general administration of emergency
23 operations, repairs, and other activities in response to any
24 flood, hurricane, or other natural disaster.

1 OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
2 FOR CIVIL WORKS

3 For the Office of the Assistant Secretary of the Army
4 for Civil Works as authorized by 10 U.S.C. 3016(b)(3),
5 \$6,000,000, to remain available until expended.

6 ADMINISTRATIVE PROVISION

7 The Revolving Fund, Corps of Engineers, shall be
8 available during the current fiscal year for purchase (not
9 to exceed 100 for replacement only) and hire of passenger
10 motor vehicles for the civil works program.

11 GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL

12 SEC. 101. (a) None of the funds provided in title I
13 of this Act, or provided by previous appropriations Acts
14 to the agencies or entities funded in title I of this Act
15 that remain available for obligation or expenditure in fiscal
16 year 2011, shall be available for obligation or expenditure
17 through a reprogramming of funds that:

18 (1) creates or initiates a new program, project,
19 or activity;

20 (2) eliminates a program, project, or activity;

21 (3) increases funds or personnel for any pro-
22 gram, project, or activity for which funds have been
23 denied or restricted by this Act, unless prior ap-
24 proval is received from the House and Senate Com-
25 mittees on Appropriations;

1 (4) proposes to uses funds directed for a spe-
2 cific activity for a different purpose, unless prior ap-
3 proval is received from the House and Senate Com-
4 mittees on Appropriations;

5 (5) augments or reduces existing programs,
6 projects or activities in excess of the amounts con-
7 tained in subsections 6 through 10, unless prior ap-
8 proval is received from the House and Senate Com-
9 mittees on Appropriations;

10 (6) INVESTIGATIONS.—For a base level over
11 \$100,000, reprogramming of 25 percent of the base
12 amount up to a limit of \$150,000 per project, study
13 or activity is allowed: *Provided*, That for a base level
14 less than \$100,000, the reprogramming limit is
15 \$25,000: *Provided further*, That up to \$25,000 may
16 be reprogrammed to continue ongoing work on any
17 program, project, or activity that did not receive an
18 appropriation for existing obligations and concomi-
19 tant administrative expenses;

20 (7) CONSTRUCTION.—For a base level over
21 \$2,000,000, reprogramming of 15 percent of the
22 base amount up to a limit of \$3,000,000 per project,
23 study or activity is allowed: *Provided*, That for a
24 base level less than \$2,000,000, the reprogramming
25 limit is \$300,000: *Provided further*, That up to

1 \$3,000,000 may be reprogrammed for settled con-
2 tractor claims, changed conditions, or real estate de-
3 ficiency judgments: *Provided further*, That up to
4 \$300,000 may be reprogrammed into continuing any
5 study or activity that did not receive an appropria-
6 tion for existing obligations and concomitant admin-
7 istrative expenses;

8 (8) OPERATION AND MAINTENANCE.—Unlim-
9 ited reprogramming authority is granted in order for
10 the Corps to be able to respond to emergencies: *Pro-*
11 *vided*, That the Chief of Engineers must notify the
12 House and Senate Committees on Appropriations of
13 these emergency actions as soon thereafter as prac-
14 ticable: *Provided further*, That for a base level over
15 \$1,000,000, reprogramming of 15 percent of the
16 base amount up to a limit of \$5,000,000 per project,
17 study or activity is allowed: *Provided further*, That
18 for a base level less than \$1,000,000, the re-
19 programming limit is \$150,000: *Provided further*,
20 That up to \$150,000 may be reprogrammed into
21 continuing any study or activity that did not receive
22 an appropriation;

23 (9) MISSISSIPPI RIVER AND TRIBUTARIES.—
24 The same reprogramming guidelines as provided in
25 subsections 6 through 8 above apply to the Inves-

1 investigations, Construction, and Operation and Maintenance
2 nance portions of the Mississippi River and Tributaries
3 Account; and

4 (10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15 per-
5 cent of the base of the receiving project is permitted.

6 (b) DE MINIMIS REPROGRAMMINGS.—In no case
7 should a reprogramming for less than \$50,000 be sub-
8 mitted to the House and Senate Committees on Approp-
9 riations.
10 priations.

11 (c) Not later than 60 days after the date of enact-
12 ment of this Act, the Corps of Engineers shall submit a
13 report to the House and Senate Committees on Appropria-
14 tions to establish the baseline for application of re-
15 programming and transfer authorities for the current fis-
16 cal year: *Provided*, That the report shall include:

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

22 (2) A delineation in the table for each appro-
23 priation both by object class and program, project
24 and activity as detailed in the budget appendix for
25 the respective appropriations; and

1 (3) An identification of items of special congres-
2 sional interest.

3 SEC. 102. None of the funds in this Act, or previous
4 Acts, making funds available to the Corps, shall be used
5 to implement any pending or future competitive sourcing
6 actions under OMB Circular A-76 or High Performing
7 Organizations for the U.S. Army Corps of Engineers.

8 SEC. 103. None of the funds in this Act, or previous
9 Acts, making funds available to the Corps, shall be used
10 to award any continuing contract that commits additional
11 funding from the Inland Waterways Trust Fund unless
12 or until such time that a long-term mechanism to enhance
13 revenues in this Fund sufficient to meet the cost-sharing
14 authorized in the Water Resources Development Act of
15 1986 (Public Law 99-662) is enacted.

16 SEC. 104. Within 120 days of the date of the Chief
17 of Engineers Report on a water resource matter, the As-
18 sistant Secretary of the Army (Civil Works) shall submit
19 the report to the appropriate authorizing and appro-
20 priating committees of the Congress.

21 SEC. 105. During the fiscal year period covered by
22 this Act, the Secretary of the Army shall implement meas-
23 ures recommended in the efficacy study, or provided in
24 interim reports, authorized under section 3061 of the
25 Water Resources Development Act of 2007 (121 Stat.

1 1121), with such modifications or emergency measures as
2 the Secretary of the Army determines to be appropriate,
3 to prevent aquatic nuisance species from bypassing the
4 Chicago Sanitary and Ship Canal Dispersal Barrier
5 Project referred to in that section and to prevent aquatic
6 nuisance species from dispersing into the Great Lakes and
7 such emergency measures as the Secretary of the Army
8 determines to be appropriate to prevent such species from
9 dispersing into the Great Lakes by way of any other hy-
10 drologic connections between the Great Lakes and the
11 Mississippi River.

12 SEC. 106. That portion of the project for navigation,
13 Block Island Harbor of Refuge, Rhode Island adopted by
14 the Rivers and Harbors Act of July 11, 1870, consisting
15 of the cut-stone breakwater lining the west side of the
16 Inner Basin: Beginning at a point with coordinates
17 N32579.55, E312625.53, thence running northerly about
18 76.59 feet to a point with coordinates N32655.92,
19 E312631.32, thence running northerly about 206.81 feet
20 to a point with coordinates N32858.33, E312673.74,
21 thence running easterly about 109.00 feet to a point with
22 coordinates N32832.15, E312779.54, shall no longer be
23 authorized after the date of enactment of this Act.

1 SEC. 107. Section 595(a)(2) of the Water Resources
2 Development Act of 1999 (113 Stat. 383; 117 Stat. 1836)
3 is amended—

4 (1) in subparagraph (A), by striking “; and”
5 and inserting a semicolon;

6 (2) in subparagraph (B), by striking the period
7 at the end and inserting “; and”; and

8 (3) by adding at the end the following:

9 “(C) the portions of Utah County and
10 Weber Counties that are located outside of a
11 political subdivision, the population of which is
12 greater than 10,000 residents.”.

13 SEC. 108. Section 595 of the Water Resources Devel-
14 opment Act of 1999 (113 Stat. 383; 117 Stat. 1836; 118
15 Stat. 440), as amended by section 5067 of the Water Re-
16 sources Development Act of 2007 (121 Stat. 1219), is
17 amended in subsection (h) by striking “\$150,000,000 for
18 rural Nevada” and inserting “\$200,000,000 for rural Ne-
19 vada”.

20 SEC. 109. (a) ACQUISITION.—The Secretary is au-
21 thorized to acquire any real property and associated real
22 property interests in the vicinity of Hanover, New Hamp-
23 shire as may be needed for the Engineer Research and
24 Development Center laboratory facilities at the Cold Re-
25 gions Research and Engineering Laboratory.

1 (b) REVOLVING FUND.—The Secretary is authorized
2 to use the Revolving Fund (33 U.S.C. 576) through the
3 Plant Replacement and Improvement Program to acquire
4 the real property and associated real property interests in
5 subsection (a). The Secretary shall ensure that the Revolv-
6 ing Fund is appropriately reimbursed from the benefitting
7 appropriations.

8 (c) RIGHT OF FIRST REFUSAL.—The Secretary may
9 provide the seller of any real property and associated prop-
10 erty interests identified in subsection (a)—

11 (1) a right of first refusal to acquire such prop-
12 erty, or any portion thereof, in the event the prop-
13 erty, or any portion thereof, is no longer needed by
14 the Department of the Army.

15 (2) a right of first refusal to acquire any real
16 property or associated real property interests ac-
17 quired by condemnation in Civil Action No. 81-360-
18 L, in the event the property, or any portion thereof,
19 is no longer needed by the Department of the Army.

20 (3) The purchase of any property by the seller
21 exercising either right of first refusal authorized in
22 this section shall be for consideration acceptable to
23 the Secretary and shall be for not less than fair
24 market value at the time the property becomes avail-
25 able for purchase. The right of first refusal author-

1 ized in this section shall not inure to the benefit of
2 the Seller's successors or assigns.

3 (d) DISPOSAL.—The Secretary of the Army is au-
4 thorized to dispose of any property or associated real prop-
5 erty interests that are subject to the exercise of the right
6 of first refusal as set forth herein.

7 SEC. 110. The Secretary of the Army, acting through
8 the Chief of Engineers, is authorized, using amounts avail-
9 able in the Revolving Fund established by section 101 of
10 the Act of July 27, 1953, chap. 245 (33 U.S.C. 576), to
11 construct a Ship/Tow Simulator building, an Engineer Re-
12 search and Development Center headquarters building,
13 and a Modular Hydraulic Flume building, and to purchase
14 real estate, perform construction, and make facility, util-
15 ity, street, road, and infrastructure improvements to the
16 Engineer Research and Development Center's installa-
17 tions and facilities. The Secretary shall ensure that the
18 Revolving Fund is appropriately reimbursed from the ben-
19 efitting appropriations.

20 SEC. 111. Section 3113 of the Water Resources De-
21 velopment Act, 2007 (121 Stat. 1041) is amended by
22 striking all after the words "total cost of" and inserting
23 in lieu thereof the following: "\$38,800,000, with an esti-
24 mated Federal cost of \$25,220,000 and an estimated non-
25 Federal cost of \$13,580,000."

1 SEC. 112. The boundaries of the project referred to
2 as “Des Moines Recreational River and Greenbelt, Iowa”
3 in the Supplemental Appropriations Act, 1985 (99 Stat.
4 313) are hereby expanded to include the entirety of sec-
5 tions 19 and 29, situated in T89N, R28W.

6 SEC. 113. That portion of the project of navigation,
7 Chicago Harbor, Illinois, authorized by the River and Har-
8 bor Acts of March 3, 1899 and March 2, 1919, and that
9 begins at the southwest corner of the Metropolitan Sani-
10 tary District of Greater Chicago sluice gate that abuts the
11 north wall of the Chicago River Lock and that continues
12 north for approximately 290 feet, thence east approxi-
13 mately 1,000 feet, then south approximately 290 feet,
14 thence west approximately 1,000 feet to the point of begin-
15 ning shall no longer be authorized as of the date of enact-
16 ment of this Act.

17 SEC. 114. (a) The Secretary shall assume responsi-
18 bility for the long-term maintenance and repair of the
19 major flood damage reduction features constructed by the
20 Corps of Engineers at Devils Lake, North Dakota. The
21 City of Devils Lake, North Dakota, shall be responsible
22 for all costs of operation and maintenance other than
23 those defined as Long-Term Maintenance and Repair in
24 subsection (b) below.

1 (b) Long-Term Maintenance and Repair consists of
2 replacing, reconstructing, or rehabilitating major flood
3 damage reduction features such as embankments, pump
4 stations, pumps and gate wells that: (1) have become di-
5 lapidated or in need of repair as a result of the passage
6 of time or ordinary wear and tear; or (2) have been dam-
7 aged or destroyed by wind, wave, or water action of other
8 than an ordinary nature when, in the discretion of the Sec-
9 retary, such replacement, reconstruction, or rehabilitation
10 is warranted for the continued functioning of the flood
11 damage reduction project at Devils Lake.

12 SEC. 115. Section 111 of title I of division C of the
13 Consolidated Appropriations Act, 2005 (118 Stat. 2944)
14 as amended by section 3001 of Public Law 110–114 is
15 further amended by adding the following before ““(c) AU-
16 THORIZATION OF APPROPRIATIONS.’”:

17 ““(3) may grant to the City of Tuscaloosa a
18 long term lease or license agreement for any portion
19 of the Parcel not required for construction of the
20 new administrative facility under subsection
21 (a)(2)(c) until such time as the City of Tuscaloosa
22 is prepared to take fee simple title per the provisions
23 of subsection (b)(2).’”.

1 SEC. 116. Section 333 of the Water Resources Devel-
2 opment Act of 1996 (110 Stat. 3718) is further amended
3 to read as follows:

4 (1) by striking subsection (b) and inserting the
5 following in lieu thereof:

6 “(b) Lands individually acquired by the Secretary
7 under this section for flood protection and flood manage-
8 ment in the Passaic River Basin are to held by the Sec-
9 retary and the non-Federal sponsor as tenants in common
10 with, thereafter, any interest held by the Secretary in such
11 lands to be transferred by Quitclaim Deed to the Non-
12 Federal Sponsor for consideration as is necessary to
13 render the project cost-sharing percentages to be in com-
14 pliance with section 903(c) of the Water Resources Devel-
15 opment Act of 1986 (33 U.S.C. 2213) and such other law
16 as may be applicable.”; and

17 (2) inserting the following as a new subsection
18 (e):

19 “(e) FUNDS FOR LAND ACQUISITION.—Funds for ac-
20 quiring such lands as are necessary in carrying out the
21 requirements of this section and requirements as further
22 recommended by the Secretary shall include funds as pro-
23 vided in subsection (c) and (d) of this section herein and
24 also funds as previously appropriated with any and all
25 such funds to be held by the Secretary for use in acquiring

1 the requisite lands in proportion to the project cost-shar-
2 ing percentages.”.

3 SEC. 117. Section 3182 of Public Law 110–114 is
4 amended as follows by inserting a new subparagraph (k)
5 and redesignating the existing subparagraph (k) as sub-
6 paragraph (l):

7 “(k) ST. CHARLES COUNTY, MISSOURI.—

8 “(1) DEFINITIONS.—In this subsection, the fol-
9 lowing definitions apply:

10 “(A) FEDERAL LAND.—The term ‘Federal
11 land’ means the 1 parcel of Corps of Engineers
12 land totaling approximately 84 acres, located
13 U.S. Survey No. 1838, Township 48 North,
14 Range 6 East.

15 “(B) NON-FEDERAL LAND.—The term
16 ‘non-Federal land’ means the approximately 70
17 acres of land, subject to any existing easements
18 situated in Jersey County, Illinois, adjacent to
19 existing Corps fee title land.

20 “(2) LAND EXCHANGE.—Subject to paragraph
21 (3), on conveyance by Ameren U.E. to the United
22 States of all right, title, and interest in and to the
23 non-Federal land, the Secretary shall convey to
24 Ameren U.E., all right, title, and interest of the
25 United States in and to the Federal land.

1 “(3) CONDITIONS.—

2 “(A) DEEDS.—

3 “(i) NON-FEDERAL LAND.—The con-
4 veyance of the non-Federal land to the
5 Secretary shall be by a warranty deed ac-
6 ceptable to the Secretary.

7 “(ii) FEDERAL LAND.—The convey-
8 ance of the Federal land to Ameren U.E.,
9 shall be—

10 “(I) by quitclaim deed; and

11 “(II) subject to any reservations,
12 terms, and conditions that the Sec-
13 retary determines to be necessary to
14 allow the United States to operate
15 and maintain the Mississippi River 9-
16 Foot Navigation Project.

17 “(iii) LEGAL DESCRIPTIONS.—The
18 Secretary shall provide a legal description
19 of the Federal land, and Ameren U.E.,
20 shall provide a legal description of the non-
21 Federal land, for inclusion in the deeds re-
22 ferred to in clauses (i) and (ii).

23 “(B) REMOVAL OF IMPROVEMENTS.—

24 “(i) IN GENERAL.—The Secretary
25 may require the removal of, or Ameren

1 U.E., may voluntarily remove, any im-
2 provements to the non-Federal land before
3 the completion of the exchange or as a
4 condition of the exchange.

5 “(ii) NO LIABILITY.—If Ameren U.E.,
6 removes any improvements to the non-Fed-
7 eral land under clause (i)—

8 “(I) Ameren U.E., shall have no
9 claim against the United States relat-
10 ing to the removal; and

11 “(II) the United States shall not
12 incur or be liable for any cost associ-
13 ated with the removal or relocation of
14 the improvements.

15 “(C) ADMINISTRATIVE COSTS.—The Sec-
16 retary shall require Ameren U.E. to pay reason-
17 able administrative costs associated with the ex-
18 change.

19 “(D) CASH EQUALIZATION PAYMENT.—If
20 the appraised fair market value, as determined
21 by the Secretary, of the Federal land exceeds
22 the appraised fair market value, as determined
23 by the Secretary, of the non-Federal land,
24 Ameren U.E. shall make a cash equalization
25 payment to the United States.

1 “(E) DEADLINE.—The land exchange
2 under subparagraph (B) shall be completed not
3 later than 2 years after the date of enactment
4 of this Act.”.

5 SEC. 118. The project for flood control, Little Cal-
6 umet River, Indiana, authorized by section 401(a) of the
7 Water Resources Development Act of 1986 (100 Stat.
8 4115) and modified by section 127 of the Energy and
9 Water Appropriations Act, 2006 (119 Stat. 2259), is fur-
10 ther modified to authorize the Secretary to construct the
11 project, including all necessary tie backs, at a total cost
12 of \$275,000,000, with an estimated Federal cost of
13 \$206,000,000, and an estimated non-Federal cost of
14 \$69,000,000.

15 SEC. 119. The project for ecosystem restoration, Tres
16 Rios, Arizona, authorized by section 101(b)(4) of the
17 Water Resources Development Act of 2000 (114 Stat.
18 2577), is modified to authorize the Secretary to construct
19 the project at a total cost of \$230,000,000, with an esti-
20 mated Federal cost of \$149,500,000 and an estimated
21 non-Federal cost of \$80,500,000.

1 TITLE II
2 DEPARTMENT OF THE INTERIOR
3 CENTRAL UTAH PROJECT

4 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

5 For carrying out activities authorized by the Central
6 Utah Project Completion Act, \$43,004,000, to remain
7 available until expended, of which \$2,500,000 shall be de-
8 posited into the Utah Reclamation Mitigation and Con-
9 servation Account for use by the Utah Reclamation Miti-
10 gation and Conservation Commission, and of which
11 \$1,694,000 for necessary expenses incurred in carrying
12 out related responsibilities of the Secretary of the Interior.
13 For fiscal year 2011, the Commission may use an amount
14 not to exceed \$1,500,000 for administrative expenses.

15 BUREAU OF RECLAMATION

16 The following appropriations shall be expended to
17 execute authorized functions of the Bureau of Reclama-
18 tion:

19 WATER AND RELATED RESOURCES

20 (INCLUDING TRANSFERS OF FUNDS)

21 For management, development, and restoration of
22 water and related natural resources and for related activi-
23 ties, including the operation, maintenance, and rehabilita-
24 tion of reclamation and other facilities, participation in
25 fulfilling related Federal responsibilities to Native Ameri-

1 cans, and related grants to, and cooperative and other
2 agreements with, State and local governments, federally
3 recognized Indian tribes, and others, \$938,600,000, to re-
4 main available until expended, of which \$11,746,000 shall
5 be available for transfer to the Upper Colorado River
6 Basin Fund and \$8,627,000 shall be available for transfer
7 to the Lower Colorado River Basin Development Fund;
8 of which such amounts as may be necessary may be ad-
9 vanced to the Colorado River Dam Fund: *Provided*, That
10 such transfers may be increased or decreased within the
11 overall appropriation under this heading: *Provided further*,
12 That of the total appropriated, the amount for program
13 activities that can be financed by the Reclamation Fund
14 or the Bureau of Reclamation special fee account estab-
15 lished by 16 U.S.C. 460l-6a(i) shall be derived from that
16 Fund or account: *Provided further*, That funds contributed
17 under 43 U.S.C. 395 are available until expended for the
18 purposes for which contributed: *Provided further*, That
19 funds advanced under 43 U.S.C. 397a shall be credited
20 to this account and are available until expended for the
21 same purposes as the sums appropriated under this head-
22 ing: *Provided*, That the funds provided herein for the St.
23 Mary Storage Unit facilities, Milk River Project, Montana,
24 shall be used on a nonreimbursible basis: *Provided further*,
25 That \$1,476,000 of the funds appropriated under this

1 heading shall be deposited in the San Gabriel Basin Res-
2 toration Fund established by section 110 of title I of ap-
3 pendix D of Public Law 106–554: *Provided further*, That
4 funds available for expenditure for the Departmental Irri-
5 gation Drainage Program may be expended by the Bureau
6 of Reclamation for site remediation on a nonreimbursable
7 basis: *Provided further*, That of the amounts provided
8 herein, funds may be used for high priority projects which
9 shall be carried out by the Youth Conservation Corps, as
10 authorized by 16 U.S.C. 1706.

11 CENTRAL VALLEY PROJECT RESTORATION FUND

12 For carrying out the programs, projects, plans, habi-
13 tat restoration, improvement, and acquisition provisions of
14 the Central Valley Project Improvement Act, \$49,915,000,
15 to be derived from such sums as may be collected in the
16 Central Valley Project Restoration Fund pursuant to sec-
17 tions 3407(d), 3404(c)(3), and 3405(f) of Public Law
18 102–575, to remain available until expended: *Provided*,
19 That the Bureau of Reclamation is directed to assess and
20 collect the full amount of the additional mitigation and
21 restoration payments authorized by section 3407(d) of
22 Public Law 102–575: *Provided further*, That none of the
23 funds made available under this heading may be used for
24 the acquisition or leasing of water for in-stream purposes

1 if the water is already committed to in-stream purposes
2 by a court adopted decree or order.

3 CALIFORNIA BAY-DELTA RESTORATION

4 (INCLUDING TRANSFER OF FUNDS)

5 For carrying out activities authorized by the Water
6 Supply, Reliability, and Environmental Improvement Act,
7 consistent with plans to be approved by the Secretary of
8 the Interior, \$40,000,000, to remain available until ex-
9 pended, of which such amounts as may be necessary to
10 carry out such activities may be transferred to appropriate
11 accounts of other participating Federal agencies to carry
12 out authorized purposes: *Provided*, That funds appro-
13 priated herein may be used for the Federal share of the
14 costs of CALFED Program management: *Provided fur-*
15 *ther*, That the use of any funds provided to the California
16 Bay-Delta Authority for programwide management and
17 oversight activities shall be subject to the approval of the
18 Secretary of the Interior: *Provided further*, That CALFED
19 implementation shall be carried out in a balanced manner
20 with clear performance measures demonstrating concur-
21 rent progress in achieving the goals and objectives of the
22 Program.

23 POLICY AND ADMINISTRATION

24 For necessary expenses of policy, administration, and
25 related functions in the Office of the Commissioner, the

1 Denver office, and offices in the five regions of the Bureau
2 of Reclamation, to remain available until expended,
3 \$61,200,000, to be derived from the Reclamation Fund
4 and be nonreimbursable as provided in 43 U.S.C. 377:
5 *Provided*, That no part of any other appropriation in this
6 Act shall be available for activities or functions budgeted
7 as policy and administration expenses.

8 ADMINISTRATIVE PROVISION

9 Appropriations for the Bureau of Reclamation shall
10 be available for purchase of not to exceed 5 passenger
11 motor vehicles, which are for replacement only.

12 GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

13 SEC. 201. (a) None of the funds provided in title II
14 of this Act for Water and Related Resources, or provided
15 by previous appropriations Acts to the agencies or entities
16 funded in title II of this Act for Water and Related Re-
17 sources that remain available for obligation or expenditure
18 in fiscal year 2011, shall be available for obligation or ex-
19 penditure through a reprogramming of funds that—

20 (1) initiates or creates a new program, project,
21 or activity;

22 (2) eliminates a program, project, or activity;

23 (3) increases funds for any program, project, or
24 activity for which funds have been denied or re-
25 stricted by this Act, unless prior approval is received

1 from the Committees on Appropriations of the
2 House of Representatives and the Senate;

3 (4) restarts or resumes any program, project or
4 activity for which funds are not provided in this Act,
5 unless prior approval is received from the Commit-
6 tees on Appropriations of the House of Representa-
7 tives and the Senate;

8 (5) transfers funds in excess of the following
9 limits, unless prior approval is received from the
10 Committees on Appropriations of the House of Rep-
11 resentatives and the Senate:

12 (A) 15 percent for any program, project or
13 activity for which \$2,000,000 or more is avail-
14 able at the beginning of the fiscal year; or

15 (B) \$300,000 for any program, project or
16 activity for which less than \$2,000,000 is avail-
17 able at the beginning of the fiscal year;

18 (6) transfers more than \$500,000 from either
19 the Facilities Operation, Maintenance, and Rehabili-
20 tation category or the Resources Management and
21 Development category to any program, project, or
22 activity in the other category, unless prior approval
23 is received from the Committees on Appropriations
24 of the House of Representatives and the Senate; or

1 (7) transfers, where necessary to discharge legal
2 obligations of the Bureau of Reclamation, more than
3 \$5,000,000 to provide adequate funds for settled
4 contractor claims, increased contractor earnings due
5 to accelerated rates of operations, and real estate de-
6 ficiency judgments, unless prior approval is received
7 from the Committees on Appropriations of the
8 House of Representatives and the Senate.

9 (b) Subsection (a)(5) shall not apply to any transfer
10 of funds within the Facilities Operation, Maintenance, and
11 Rehabilitation category.

12 (c) For purposes of this section, the term “transfer”
13 means any movement of funds into or out of a program,
14 project, or activity.

15 (d) The Bureau of Reclamation shall submit reports
16 on a quarterly basis to the Committees on Appropriations
17 of the House of Representatives and the Senate detailing
18 all the funds reprogrammed between programs, projects,
19 activities, or categories of funding. The first quarterly re-
20 port shall be submitted not later than 60 days after the
21 date of enactment of this Act.

22 SEC. 202. (a) None of the funds appropriated or oth-
23 erwise made available by this Act may be used to deter-
24 mine the final point of discharge for the interceptor drain
25 for the San Luis Unit until development by the Secretary

1 of the Interior and the State of California of a plan, which
2 shall conform to the water quality standards of the State
3 of California as approved by the Administrator of the En-
4 vironmental Protection Agency, to minimize any detri-
5 mental effect of the San Luis drainage waters.

6 (b) The costs of the Kesterson Reservoir Cleanup
7 Program and the costs of the San Joaquin Valley Drain-
8 age Program shall be classified by the Secretary of the
9 Interior as reimbursable or nonreimbursable and collected
10 until fully repaid pursuant to the “Cleanup Program-Alt-
11 ernative Repayment Plan” and the “SJVDP-Alternative
12 Repayment Plan” described in the report entitled “Repay-
13 ment Report, Kesterson Reservoir Cleanup Program and
14 San Joaquin Valley Drainage Program, February 1995”,
15 prepared by the Department of the Interior, Bureau of
16 Reclamation. Any future obligations of funds by the
17 United States relating to, or providing for, drainage serv-
18 ice or drainage studies for the San Luis Unit shall be fully
19 reimbursable by San Luis Unit beneficiaries of such serv-
20 ice or studies pursuant to Federal reclamation law.

21 SEC. 203. None of the funds appropriated or other-
22 wise made available by this or any other Act may be used
23 to pay the salaries and expenses of personnel to purchase
24 or lease water in the Middle Rio Grande or the Carlsbad
25 Projects in New Mexico unless said purchase or lease is

1 in compliance with the purchase requirements of section
2 202 of Public Law 106–60.

3 SEC. 204. Funds under this title for Drought Emer-
4 gency Assistance shall be made available primarily for
5 leasing of water for specified drought related purposes
6 from willing lessors, in compliance with existing State laws
7 and administered under State water priority allocation.

8 SEC. 205. Section 529(b)(3) of Public Law 106–541
9 is amended by striking “\$20,000,000” and inserting
10 “\$30,000,000” in lieu thereof.

11 SEC. 206. (a) Notwithstanding any other provision
12 of law, of amounts made available under section 2507 of
13 the Farm Security and Rural Investment Act of 2002 (43
14 U.S.C. 2211 note; Public Law 107–171), the Secretary
15 of the Interior, acting through the Commissioner of Rec-
16 lamation, shall allocate—

17 (1) \$11,300,000 to the Bureau of Indian Af-
18 fairs, of which—

19 (A) \$7,400,000 shall be for the participa-
20 tion by the Walker River Paiute Tribe in the
21 settlement of surface water rights in the Walker
22 River Basin, including water associated with
23 the Walker River Indian Reservation;

24 (B) \$1,000,000 shall be for the Walker
25 River Paiute Tribe for legal and professional

1 services in support of settling tribal water
2 claims in the Walker River Basin; and

3 (C) \$2,900,000 shall be for the acquisition
4 of property upstream from and adjacent to the
5 Reservation, title to which shall be taken in the
6 name of the United States to be held in trust
7 for the Tribe, and shall be added to the Res-
8 ervation and appurtenant water rights which
9 shall be used for the benefit of Walker Lake;

10 (2) \$2,500,000 to the Federal Water Master of
11 the Walker River, Nevada, for water monitoring and
12 measurement improvement in the Walker River
13 Basin;

14 (3) \$3,080,000 to the Environmental Protection
15 Agency, to provide funding relating to the Anaconda
16 Mine site in Lyon County, Nevada, of which—

17 (A) \$750,000 shall be for groundwater
18 testing for Arimetco portions of the site; and

19 (B) \$2,330,000 shall be for a pilot closure
20 of an Arimetco heap leach pad;

21 (4) \$6,250,000 to provide grants of equal
22 amounts to the State of Nevada, the State of Cali-
23 fornia, the Truckee Meadows Water Authority, the
24 Pyramid Lake Paiute Tribe, and the Federal Water
25 Master of the Truckee River to implement the

1 Truckee-Carson-Pyramid Lake Water Rights Settle-
2 ment Act (title II of Public Law 101–618; 104 Stat.
3 3294);

4 (5) \$5,000,000 to be divided equally by the City
5 of Fernley, Nevada, and the Pyramid Lake Paiute
6 Tribe for joint planning and development activities
7 for water, wastewater, and sewer facilities;

8 (6) \$17,200,000 to the Pyramid Lake Paiute
9 Tribe for the benefit of the Truckee River and Pyr-
10 amid Lake, of which—

11 (A) \$10,000,000 shall be used for 1 or
12 more of—

13 (i) implementing the 1996 Truckee
14 River Water Quality Settlement Agree-
15 ment; and

16 (ii) implementing the Newland Project
17 Water Rights Fund for retirement of water
18 rights;

19 (B) \$4,200,000 shall be used for 1 or more
20 of—

21 (i) payment to the City of Fernley,
22 with the agreement of the City, to tempo-
23 rarily transfer water rights owned by the
24 City to the Truckee River; and

1 (ii) acquisition of ground-water rights
2 to be traded with the City of Fernley, with
3 the agreement of the City, for Truckee
4 River water rights; and

5 (C) \$3,000,000 to acquire interests in fee-
6 patented land, water rights, or surface rights to
7 land within or contiguous to the exterior bound-
8 aries of the Pyramid Lake Indian Reservation;

9 (7) \$15,000,000 to an entity selected by the
10 Truckee Meadows Water Authority, Washoe County,
11 and the cities of Reno and Sparks, Nevada, to ac-
12 quire up to 6,700 acre-feet of water rights to help
13 implement the Truckee River Operating Agreement;

14 (8) \$500,000 to Washoe County, Nevada, for a
15 Regional Strategic Initiative to develop wastewater
16 effluent management and reclaimed water resources;

17 (9) \$5,000,000 to the City of Sparks, Nevada,
18 related to upgrading and realigning the North
19 Truckee Drain for improved flood control;

20 (10) \$715,000 to the Pyramid Lake Paiute
21 Tribe to enhance fish reproduction in the Truckee
22 River watershed and to develop a water quality
23 model for Pyramid Lake;

24 (11) \$1,500,000 to the Specialty Crop Institute
25 of Western Nevada College to support alternative

1 crops and alternative agricultural cooperatives pro-
2 grams that promote water conservation;

3 (12) \$1,000,000 to the Desert Research Insti-
4 tute to monitor reservoir evaporation and invasive
5 species in the southwestern United States, including
6 work in the Walker Basin; and

7 (13) not more than \$8,455,000 of available
8 funds to the United States Fish and Wildlife Service
9 to acquire water and water rights, with or without
10 the land to which the rights are appurtenant, pursu-
11 ant to subsection 206(a) of the Truckee-Carson-Pyr-
12 amid Lake Water Rights Settlement Act (title II of
13 Public Law 101–618; 104 Stat. 3308).

14 (b) Section 208 of the Energy and Water Develop-
15 ment and Related Agencies Appropriations Act, 2010
16 (Public Law 111–85; 123 Stat. 2858) is amended—

17 (1) in subsection (a)(1)—

18 (A) by striking “\$66,200,000” and insert-
19 ing “\$81,200,000”; and

20 (B) by inserting “, and including associ-
21 ated activities that enhance recovery of the fed-
22 erally threatened Lahontan cutthroat trout”
23 after “Rivers”; and

24 (2) in subsection (b)(1)(B)—

1 (A) in clause (i)(I), after “inflows”, by in-
2 serting “beginning on the date on which the
3 first lease under the demonstration program is
4 signed”; and

5 (B) by adding at the end the following:

6 “(vii) \$15,000,000 to be used as de-
7 scribed in subparagraph (A), as deter-
8 mined by the National Fish and Wildlife
9 Foundation: *Provided*, That the National
10 Fish and Wildlife Foundation shall consult
11 with Mono County, California, prior to
12 spending any funds under this section to
13 lease surface water rights appurtenant to
14 lands in California.”.

15 (c) Section 208(a) of division C of the Consolidated
16 Appropriations Act, 2008 (Public Law 110–161; 121 Stat.
17 1953) is amended—

18 (1) in paragraph (1)—

19 (A) in subparagraph (C), by adding “and”
20 at the end;

21 (B) by striking subsections (D) and (E);
22 and

23 (C) by redesignating subparagraph (F) as
24 subparagraph (D); and

1 (2) in paragraph (3), by striking “restoration
2 efforts at the Summit Lake in Northern Washoe
3 County” and inserting “restoration and environ-
4 mental protection efforts at the Summit Lake in
5 Humboldt County”.

6 (d) Notwithstanding this section or any amendment
7 made by this section, the Commissioner of Reclamation
8 may retain sufficient amounts from funds allocated to the
9 Commissioner to administer all financial assistance agree-
10 ments under the Desert Terminal Lakes program under
11 section 2507 of the Farm Security and Rural Investment
12 Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171).

13 SEC. 207. The Secretary of the Interior may extend
14 the contract for water services between the United States
15 and the East Bench Irrigation District, numbered 14–06–
16 600–3593, until the earlier of—

17 (1) the date that is 2 years after the date on
18 which the contract would have expired if this Act
19 had not been enacted; or

20 (2) the date on which a new long-term contract
21 is executed by the parties to the contract.

22 SEC. 208. The Secretary of the Interior is hereby di-
23 rected, through the Commissioner of Reclamation, to
24 amend or re-issue Seasonal Recreation Use Permits for
25 the Northside Trailer Areas 1 and 2 and Southside Trailer

1 Area around Heart Butte Reservoir (Lake Tschida) in
2 North Dakota to extend the valid time period for those
3 permits from the current 12 years to 15 years, to be meas-
4 ured from the date of original issuance, April 3, 2010.
5 The amended or re-issued permits shall contain language
6 ensuring the affected permits are fully transferrable for
7 the full 15-year period.

8 TITLE III

9 DEPARTMENT OF ENERGY

10 ENERGY PROGRAMS

11 ENERGY EFFICIENCY AND RENEWABLE ENERGY

12 For Department of Energy expenses including the
13 purchase, construction, and acquisition of plant and cap-
14 ital equipment, and other expenses necessary for energy
15 efficiency and renewable energy activities in carrying out
16 the purposes of the Department of Energy Organization
17 Act (42 U.S.C. 7101 et seq.), including the acquisition or
18 condemnation of any real property or any facility or for
19 plant or facility acquisition, construction, or expansion,
20 \$2,242,500,000 to remain available until expended: *Pro-*
21 *vided*, That \$145,000,000 shall be available until Sep-
22 tember 30, 2012 for program direction: *Provided further*,
23 That within the amounts appropriated, \$211,580,000
24 shall be used for the projects specified in the table that
25 appears under the heading “Congressionally Directed En-

1 ergy Efficiency and Renewable Energy Projects” in the
2 text and table under this heading in the explanatory state-
3 ment described in section 4 (in the matter preceding divi-
4 sion A of this consolidated Act).

5 ELECTRICITY DELIVERY AND ENERGY RELIABILITY

6 For Department of Energy expenses including the
7 purchase, construction, and acquisition of plant and cap-
8 ital equipment, and other expenses necessary for elec-
9 tricity delivery and energy reliability activities in carrying
10 out the purposes of the Department of Energy Organiza-
11 tion Act (42 U.S.C. 7101 et seq.), including the acquisi-
12 tion or condemnation of any real property or any facility
13 or for plant or facility acquisition, construction, or expan-
14 sion, \$172,000,000 to remain available until expended:
15 *Provided*, That \$27,049,000 shall be available until Sep-
16 tember 30, 2012 for program direction: *Provided further*,
17 That within the amounts appropriated, \$11,050,000 shall
18 be used for the projects specified in the table that appears
19 under the heading “Congressionally Directed Electricity
20 Delivery and Energy Reliability Projects” in the text and
21 table under this heading in the explanatory statement de-
22 scribed in section 4 (in the matter preceding division A
23 of this consolidated Act): *Provided further*, That notwith-
24 standing section 3304 of title 5, United States Code, and
25 without regard to the provisions of sections 3309 through

1 3318 of such title 5, the Secretary of Energy, upon a de-
2 termination that there is a severe shortage of candidates
3 or a critical hiring need for particular positions, may from
4 within the funds provided, recruit and directly appoint
5 highly qualified individuals into the competitive service:
6 *Provided further*, That such authority shall not apply to
7 positions in the Excepted Service or the Senior Executive
8 Service: *Provided further*, That any action authorized here-
9 in shall be consistent with the merit principles of section
10 2301 of such title 5, and the Department shall comply
11 with the public notice requirements of section 3327 of
12 such title 5.

13 NUCLEAR ENERGY

14 For Department of Energy expenses including the
15 purchase, construction, and acquisition of plant and cap-
16 ital equipment, and other expenses necessary for nuclear
17 energy activities in carrying out the purposes of the De-
18 partment of Energy Organization Act (42 U.S.C. 7101 et
19 seq.), including the acquisition or condemnation of any
20 real property or any facility or for plant or facility acquisi-
21 tion, construction, or expansion, and the purchase of not
22 more than 9 buses, all for replacement only,
23 \$775,000,000, to remain available until expended: *Pro-*
24 *vided*, That \$86,452,000 shall be available until Sep-
25 tember 30, 2012 for program direction: *Provided further*,

1 That if by June 30, 2011 the Secretary has not deter-
2 mined to proceed with the second project phase of the
3 Next Generation Nuclear Plant program in accordance
4 with section 643(b)(2) of the Energy Policy Act of 2005,
5 \$23,000,000 of the \$103,000,000 appropriated for the
6 Next Generation Nuclear Plant program shall be trans-
7 ferred to the Small Modular Reactor program to remain
8 available until expended: *Provided further*, That within the
9 amounts appropriated, \$7,800,000 shall be used for the
10 projects specified in the table that appears under the head-
11 ing “Congressionally Directed Nuclear Energy Projects”
12 in the text and table under this heading in the explanatory
13 statement described in section 4 (in the matter preceding
14 division A of this consolidated Act).

15 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

16 For necessary expenses in carrying out fossil energy
17 research and development activities, under the authority
18 of the Department of Energy Organization Act (42 U.S.C.
19 7101 et seq.), including the acquisition of interest, includ-
20 ing defeasible and equitable interests in any real property
21 or any facility or for plant or facility acquisition or expan-
22 sion, and for conducting inquiries, technological investiga-
23 tions, and research concerning the extraction, processing,
24 use, and disposal of mineral substances without objection-
25 able social and environmental costs under section 2 of the

1 Act of May 16, 1910 (chapter 240; 30 U.S.C. 3) and sec-
2 tions 3 and 4 of the National Materials and Minerals Pol-
3 icy, Research and Development Act of 1980 (30 U.S.C.
4 1602 and 1603), \$672,000,000, to remain available until
5 expended: *Provided*, That \$161,000,000 shall be available
6 until September 30, 2012 for program direction: *Provided*
7 *further*, That within the amounts appropriated,
8 \$23,000,000 shall be used for the projects specified in the
9 table that appears under the heading “Congressionally Di-
10 rected Fossil Energy Projects” in the text and table under
11 this heading in the explanatory statement described in sec-
12 tion 4 (in the matter preceding division A of this consoli-
13 dated Act).

14 NAVAL PETROLEUM AND OIL SHALE RESERVES

15 For expenses necessary to carry out naval petroleum
16 and oil shale reserve activities, \$23,614,000, to remain
17 available until expended: *Provided*, That, notwithstanding
18 any other provision of law, unobligated funds remaining
19 from prior years shall be available for all naval petroleum
20 and oil shale reserve activities.

21 STRATEGIC PETROLEUM RESERVE

22 For necessary expenses for Strategic Petroleum Re-
23 serve facility development and operations and program
24 management activities pursuant to the Energy Policy and

1 Conservation Act of 1975, (42 U.S.C. 6201 et seq.),
2 \$209,861,000, to remain available until expended.

3 NORTHEAST HOME HEATING OIL RESERVE

4 For necessary expenses for Northeast Home Heating
5 Oil Reserve storage, operation, and management activities
6 pursuant to the Energy Policy and Conservation Act,
7 \$11,300,000, to remain available until expended.

8 ENERGY INFORMATION ADMINISTRATION

9 For necessary expenses in carrying out the activities
10 of the Energy Information Administration, \$111,000,000,
11 to remain available until expended.

12 NON-DEFENSE ENVIRONMENTAL CLEANUP

13 For Department of Energy expenses, including the
14 purchase, construction, and acquisition of plant and cap-
15 ital equipment and other expenses necessary for non-de-
16 fense environmental cleanup activities in carrying out the
17 purposes of the Department of Energy Organization Act
18 (42 U.S.C. 7101 et seq.), including the acquisition or con-
19 demnation of any real property or any facility or for plant
20 or facility acquisition, construction, or expansion,
21 \$244,163,000, to remain available until expended.

22 URANIUM ENRICHMENT DECONTAMINATION AND
23 DECOMMISSIONING FUND

24 For necessary expenses in carrying out uranium en-
25 richment facility decontamination and decommissioning,

1 remedial actions, and other activities of title II of the
2 Atomic Energy Act of 1954, and title X, subtitle A, of
3 the Energy Policy Act of 1992, \$550,000,000 to be de-
4 rived from the Uranium Enrichment Decontamination and
5 Decommissioning Fund, to remain available until ex-
6 pended.

7
8 SCIENCE

8 For Department of Energy expenses including the
9 purchase, construction, and acquisition of plant and cap-
10 ital equipment, and other expenses necessary for science
11 activities in carrying out the purposes of the Department
12 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
13 cluding the acquisition or condemnation of any real prop-
14 erty or facility or for plant or facility acquisition, construc-
15 tion, or expansion, and purchase of not more than 57 pas-
16 senger motor vehicles, 56 of which are for replacement
17 only, including two law enforcement vehicles, two ambu-
18 lances, and two buses, \$4,904,000,000, to remain avail-
19 able until expended: *Provided*, That \$202,000,000 shall
20 remain available until September 30, 2012 for program
21 direction: *Provided further*, That within the amounts ap-
22 propriated, \$61,650,000 shall be used for the projects
23 specified in the table that appears under the heading
24 “Congressionally Directed Office of Science Projects” in
25 the text and table under this heading in the explanatory

1 are in addition to authorities provided in any other Act:
2 *Provided further*, That for amounts collected pursuant to
3 section 1702(b)(2) of the Energy Policy Act of 2005, the
4 source of such payment received from borrowers may not
5 be a loan or other debt obligation that is guaranteed by
6 the Federal Government: *Provided further*, That pursuant
7 to section 1702(b)(2) of the Energy Policy Act of 2005,
8 no appropriations are available to pay the subsidy cost of
9 such guarantees for nuclear power facilities or fossil en-
10 ergy technologies: *Provided further*, That none of the loan
11 guarantee authority made available in this Act shall be
12 available for commitments to guarantee loans for any
13 projects where funds, personnel, or property (tangible or
14 intangible) of any Federal agency, instrumentality, per-
15 sonnel, or affiliated entity are expected be used (directly
16 or indirectly) through acquisitions, contracts, demonstra-
17 tions, exchanges, grants, incentives, leases, procurements,
18 sales, other transaction authority, or other arrangements,
19 to support the project or to obtain goods or services from
20 the project: *Provided further*, That the previous proviso
21 shall not be interpreted as precluding the use of the loan
22 guarantee authority in this Act for commitments to guar-
23 antee loans for (1) projects as a result of such projects
24 benefitting from otherwise allowable Federal income tax
25 benefits; (2) projects as a result of such projects benefit-

1 ting from being located on Federal land pursuant to a
2 lease or right-of-way agreement for which all consideration
3 for all uses is (A) paid exclusively in cash, (B) deposited
4 in the Treasury as offsetting receipts, and (C) equal to
5 the fair market value as determined by the head of the
6 relevant Federal agency; (3) projects as a result of such
7 projects benefitting from Federal insurance programs, in-
8 cluding under section 170 of the Atomic Energy Act of
9 1954 (42 U.S.C. 2210; commonly known as the “Price-
10 Anderson Act”); or (4) electric generation projects using
11 transmission facilities owned or operated by a Federal
12 Power Marketing Administration or the Tennessee Valley
13 Authority that have been authorized, approved, and fi-
14 nanced independent of the project receiving the guarantee:
15 *Provided further*, That none of the loan guarantee author-
16 ity made available in this Act shall be available for any
17 project unless the Director of the Office of Management
18 and Budget has certified in advance in writing that the
19 loan guarantee and the project comply with the provisions
20 under this section: *Provided further*, That in addition to
21 amounts otherwise made available by this Act,
22 \$405,982,000 is appropriated, to remain available until
23 expended, for the cost of loan guarantees for projects that
24 employ: (1) new or significantly improved technologies of
25 renewable energy systems or efficient end-use energy tech-

1 nologies under section 1703 of the Energy Policy Act of
2 2005; or (2) notwithstanding section 1703(a)(2), commer-
3 cial technologies of renewable energy systems, efficient
4 end-use energy technologies, or leading edge biofuel
5 projects: *Provided further*, That of the authority provided
6 for commitments to guarantee loans under “Department
7 of Energy—Energy Programs—Title 17 Innovative Tech-
8 nology Loan Guarantee Program” in title III of division
9 C of Public Law 111–8 and title III of division C of Public
10 Law 110–161, \$18,000,000,000 are rescinded: *Provided*
11 *further*, That an additional amount for necessary adminis-
12 trative expenses to carry out this Loan Guarantee pro-
13 gram, \$58,000,000 is appropriated, to remain available
14 until expended: *Provided further*, That \$58,000,000 of the
15 fees collected pursuant to section 1702(h) of the Energy
16 Policy Act of 2005 shall be credited as offsetting collec-
17 tions to this account to cover administrative expenses and
18 shall remain available until expended, so as to result in
19 a final fiscal year 2011 appropriations from the general
20 fund estimated at not more than \$0: *Provided further*,
21 That fees collected under such section 1702(h) in excess
22 of the amount appropriated for administrative expenses
23 shall not be available until appropriated.

1 provisions of 31 U.S.C. 3302: *Provided further*, That the
2 sum herein appropriated shall be reduced by the amount
3 of miscellaneous revenues received during 2011, and any
4 related appropriated receipt account balances remaining
5 from prior years' miscellaneous revenues, so as to result
6 in a final fiscal year 2011 appropriation from the general
7 fund estimated at not more than \$169,132,000.

8 OFFICE OF THE INSPECTOR GENERAL

9 For necessary expenses of the Office of the Inspector
10 General in carrying out the provisions of the Inspector
11 General Act of 1978, \$42,850,000, to remain available
12 until September 30, 2012.

13 ATOMIC ENERGY DEFENSE ACTIVITIES

14 NATIONAL NUCLEAR SECURITY

15 ADMINISTRATION

16 WEAPONS ACTIVITIES

17 For Department of Energy expenses, including the
18 purchase, construction, and acquisition of plant and cap-
19 ital equipment and other incidental expenses necessary for
20 atomic energy defense weapons activities in carrying out
21 the purposes of the Department of Energy Organization
22 Act (42 U.S.C. 7101 et seq.), including the acquisition or
23 condemnation of any real property or any facility or for
24 plant or facility acquisition, construction, or expansion,
25 the purchase of not to exceed one ambulance and one air-

1 craft; \$7,008,835,000, to remain available until expended:
2 *Provided*, That of the funds appropriated under this head-
3 ing, \$30,000,000 is directed for the 09–D–007 LANSCE
4 Refurbishment, Los Alamos National Laboratory, Los Al-
5 amos, New Mexico: *Provided further*, That within the
6 amounts appropriated, \$2,000,000 shall be used for the
7 projects specified in the table that appears under the head-
8 ing “Congressionally Directed Weapons Activities
9 Projects” in the text and table under this heading in the
10 explanatory statement described in section 4 (in the mat-
11 ter preceding division A of this consolidated Act).

12 DEFENSE NUCLEAR NONPROLIFERATION

13 For Department of Energy expenses, including the
14 purchase, construction, and acquisition of plant and cap-
15 ital equipment and other incidental expenses necessary for
16 defense nuclear nonproliferation activities, in carrying out
17 the purposes of the Department of Energy Organization
18 Act (42 U.S.C. 7101 et seq.), including the acquisition or
19 condemnation of any real property or any facility or for
20 plant or facility acquisition, construction, or expansion,
21 and the purchase of not to exceed one passenger motor
22 vehicle for replacement only, \$2,575,167,000, to remain
23 available until expended.

1 ENVIRONMENTAL AND OTHER DEFENSE
2 ACTIVITIES

3 DEFENSE ENVIRONMENTAL CLEANUP
4 (INCLUDING TRANSFER OF FUNDS)

5 For Department of Energy expenses, including the
6 purchase, construction, and acquisition of plant and cap-
7 ital equipment and other expenses necessary for atomic
8 energy defense environmental cleanup activities in car-
9 rying out the purposes of the Department of Energy Orga-
10 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
11 sition or condemnation of any real property or any facility
12 or for plant or facility acquisition, construction, or expan-
13 sion, and the purchase of not to exceed two ambulances
14 and one fire truck for replacement only, \$5,260,135,000,
15 to remain available until expended, of which \$33,700,000
16 shall be transferred to the “Uranium Enrichment Decon-
17 tamination and Decommissioning Fund”: *Provided*, That
18 \$355,000,000 shall remain available until September 30,
19 2012 for program direction.

20 OTHER DEFENSE ACTIVITIES

21 For Department of Energy expenses, including the
22 purchase, construction, and acquisition of plant and cap-
23 ital equipment and other expenses, necessary for atomic
24 energy defense, other defense activities, and classified ac-
25 tivities, in carrying out the purposes of the Department

1 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
2 cluding the acquisition or condemnation of any real prop-
3 erty or any facility or for plant or facility acquisition, con-
4 struction, or expansion, and the purchase of not to exceed
5 10 passenger motor vehicles for replacement only,
6 \$866,317,000, to remain available until expended: *Pro-*
7 *vided*, That \$120,244,000 shall be available until Sep-
8 tember 30, 2012 for program direction: *Provided further*,
9 That within the amounts appropriated, \$2,000,000 shall
10 be used for the projects specified in the table that appears
11 under the heading “Congressionally Directed Other De-
12 fense Activities Projects” in the text and table under this
13 heading in the explanatory statement described in section
14 4 (in the matter preceding division A of this consolidated
15 Act).

16 POWER MARKETING ADMINISTRATIONS

17 BONNEVILLE POWER ADMINISTRATION FUND

18 Expenditures from the Bonneville Power Administra-
19 tion Fund, established pursuant to Public Law 93-454,
20 are approved for official reception and representation ex-
21 penses in an amount not to exceed \$7,000. During fiscal
22 year 2011, no new direct loan obligations may be made.

1 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
2 ADMINISTRATION

3 For necessary expenses of operation and maintenance
4 of power transmission facilities and of marketing electric
5 power and energy, including transmission wheeling and
6 ancillary services pursuant to section 5 of the Flood Con-
7 trol Act of 1944 (16 U.S.C. 825s), as applied to the south-
8 eastern power area, \$8,034,000, to remain available until
9 expended: *Provided*, That notwithstanding 31 U.S.C. 3302
10 and section 5 of the Flood Control Act of 1944, up to
11 \$8,034,000 collected by the Southeastern Power Adminis-
12 tration from the sale of power and related services shall
13 be credited to this account as discretionary offsetting col-
14 lections, to remain available until expended for the sole
15 purpose of funding the annual expenses of the South-
16 eastern Power Administration: *Provided further*, That the
17 sum herein appropriated for annual expenses shall be re-
18 duced as collections are received during the fiscal year so
19 as to result in a final fiscal year 2011 appropriation esti-
20 mated at not more than \$0: *Provided further*, That, not-
21 withstanding 31 U.S.C. 3302, up to \$74,157,000 collected
22 by the Southeastern Power Administration pursuant to
23 the Flood Control Act of 1944 to recover purchase power
24 and wheeling expenses shall be credited to this account
25 as offsetting collections, to remain available until expended

1 for the sole purpose of making purchase power and wheel-
2 ing expenditures: *Provided further*, That for purposes of
3 this appropriation, annual expenses means expenditures
4 that are generally recovered in the same year that they
5 are incurred (excluding purchase power and wheeling ex-
6 penses).

7 OPERATION AND MAINTENANCE, SOUTHWESTERN

8 POWER ADMINISTRATION

9 For necessary expenses of operation and maintenance
10 of power transmission facilities and of marketing electric
11 power and energy, for construction and acquisition of
12 transmission lines, substations and appurtenant facilities,
13 and for administrative expenses, including official recep-
14 tion and representation expenses in an amount not to ex-
15 ceed \$1,500 in carrying out section 5 of the Flood Control
16 Act of 1944 (16 U.S.C. 825s), as applied to the South-
17 western Power Administration, \$46,312,000, to remain
18 available until expended: *Provided*, That notwithstanding
19 31 U.S.C. 3302 and section 5 of the Flood Control Act
20 of 1944 (16 U.S.C. 825s), up to \$33,613,000 collected
21 by the Southwestern Power Administration from the sale
22 of power and related services shall be credited to this ac-
23 count as discretionary offsetting collections, to remain
24 available until expended, for the sole purpose of funding
25 the annual expenses of the Southwestern Power Adminis-

1 tration: *Provided further*, That the sum herein appro-
2 priated for annual expenses shall be reduced as collections
3 are received during the fiscal year so as to result in a final
4 fiscal year 2011 appropriation estimated at not more than
5 \$12,699,000: *Provided further*, That, notwithstanding 31
6 U.S.C. 3302, up to \$39,000,000 collected by the South-
7 western Power Administration pursuant to the Flood Con-
8 trol Act of 1944 to recover purchase power and wheeling
9 expenses shall be credited to this account as offsetting col-
10 lections, to remain available until expended for the sole
11 purpose of making purchase power and wheeling expendi-
12 tures: *Provided further*, That for purposes of this appro-
13 priation, annual expenses means expenditures that are
14 generally recovered in the same year that they are in-
15 curred (excluding purchase power and wheeling expenses).

16 CONSTRUCTION, REHABILITATION, OPERATION AND
17 MAINTENANCE, WESTERN AREA POWER ADMINIS-
18 TRATION

19 For carrying out the functions authorized by title III,
20 section 302(a)(1)(E) of the Act of August 4, 1977 (42
21 U.S.C. 7152), and other related activities including con-
22 servation and renewable resources programs as author-
23 ized, including official reception and representation ex-
24 penses in an amount not to exceed \$1,500; \$285,864,000
25 to remain available until expended, of which \$277,430,000

1 shall be derived from the Department of the Interior Rec-
2 lamation Fund: *Provided*, That notwithstanding 31 U.S.C.
3 3302, section 5 of the Flood Control Act of 1944 (16
4 U.S.C. 825s), and section 1 of the Interior Department
5 Appropriation Act, 1939 (43 U.S.C. 392a), up to
6 \$180,306,000 collected by the Western Area Power Ad-
7 ministration from the sale of power and related services
8 shall be credited to this account as discretionary offsetting
9 collections, to remain available until expended, for the sole
10 purpose of funding the annual expenses of the Western
11 Area Power Administration: *Provided further*, That the
12 sum herein appropriated for annual expenses shall be re-
13 duced as collections are received during the fiscal year so
14 as to result in a final fiscal year 2011 appropriation esti-
15 mated at not more than \$105,558,000, of which
16 \$97,124,000 is derived from the Reclamation Fund: *Pro-*
17 *vided further*, That of the amount herein appropriated,
18 \$7,627,000 is for deposit into the Utah Reclamation Miti-
19 gation and Conservation Account pursuant to title IV of
20 the Reclamation Projects Authorization and Adjustment
21 Act of 1992: *Provided further*, That notwithstanding 31
22 U.S.C. 3302, up to \$350,919,000 collected by the Western
23 Area Power Administration pursuant to the Flood Control
24 Act of 1944 and the Reclamation Project Act of 1939 to
25 recover purchase power and wheeling expenses shall be

1 credited to this account as offsetting collections, to remain
2 available until expended for the sole purpose of making
3 purchase power and wheeling expenditures: *Provided fur-*
4 *ther*, That for purposes of this appropriation, annual ex-
5 penses means expenditures that are generally recovered in
6 the same year that they are incurred (excluding purchase
7 power and wheeling expenses).

8 FALCON AND AMISTAD OPERATING AND MAINTENANCE
9 FUND

10 For operation, maintenance, and emergency costs for
11 the hydroelectric facilities at the Falcon and Amistad
12 Dams, \$3,715,000, to remain available until expended,
13 and to be derived from the Falcon and Amistad Operating
14 and Maintenance Fund of the Western Area Power Ad-
15 ministration, as provided in section 2 of the Act of June
16 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding
17 the provisions of that Act and of 31 U.S.C. 3302, up to
18 \$3,495,000 collected by the Western Area Power Adminis-
19 tration from the sale of power and related services from
20 the Falcon and Amistad Dams shall be credited to this
21 account as discretionary offsetting collections, to remain
22 available until expended for the sole purpose of funding
23 the annual expenses of the hydroelectric facilities of these
24 Dams and associated Western Area Power Administration
25 activities: *Provided further*, That the sum herein appro-

1 priated for annual expenses shall be reduced as collections
2 are received during the fiscal year so as to result in a final
3 fiscal year 2011 appropriation estimated at not more than
4 \$220,000: *Provided further*, That for purposes of this ap-
5 propriation, annual expenses means expenditures that are
6 generally recovered in the same year that they are in-
7 curred.

8 FEDERAL ENERGY REGULATORY COMMISSION

9 SALARIES AND EXPENSES

10 For necessary expenses of the Federal Energy Regu-
11 latory Commission to carry out the provisions of the De-
12 partment of Energy Organization Act (42 U.S.C. 7101 et
13 seq.), including services as authorized by 5 U.S.C. 3109,
14 the hire of passenger motor vehicles, and official reception
15 and representation expenses not to exceed \$3,000,
16 \$315,600,000, to remain available until expended: *Pro-*
17 *vided*, That notwithstanding any other provision of law,
18 not to exceed \$315,600,000 of revenues from fees and an-
19 nual charges, and other services and collections in fiscal
20 year 2011 shall be retained and used for necessary ex-
21 penses in this account, and shall remain available until
22 expended: *Provided further*, That the sum herein appro-
23 priated from the general fund shall be reduced as revenues
24 are received during fiscal year 2011 so as to result in a

1 or to accomplish project completion. In instances involving
2 the National Nuclear Security Administration, the Sec-
3 retary and the Administrator must jointly waive the re-
4 striction.

5 SEC. 302. None of the funds made available in this
6 title and subsequent appropriation acts may be used to
7 prepare or initiate Requests For Proposals (RFPs) or
8 similar arrangements (including but not limited to: Re-
9 quests for Quotations (RFQs), Requests for Information
10 (RFIs), Funding Opportunity Announcements (FOAs),
11 etc.) for a program or activity if the program or activity
12 has not been funded by Congress.

13 SEC. 303. None of the funds appropriated by this Act
14 and subsequent appropriation acts may be used—

15 (1) to augment the funds made available for ob-
16 ligation by this Act for severance payments and
17 other benefits and community assistance grants
18 under section 4604 of the Atomic Energy Defense
19 Act (50 U.S.C. 2704) unless the Department of En-
20 ergy submits a reprogramming request to the appro-
21 priate congressional committees; or

22 (2) to provide enhanced severance payments or
23 other benefits for employees of the Department of
24 Energy under such section; or

1 (3) develop or implement a workforce restruc-
2 turing plan that covers employees of the Department
3 of Energy.

4 SEC. 304. Plant or construction projects for which
5 amounts are made available under this and subsequent ap-
6 propriation Acts with an estimated cost of less than
7 \$10,000,000 are considered for purposes of section 4703
8 of the Atomic Energy Defense Act (50 U.S.C. 2743) as
9 a plant project for which the approved total estimated cost
10 does not exceed the minor construction threshold and for
11 purposes of section 4704 of the Atomic Energy Defense
12 Act (50 U.S.C. 2744) as a construction project with an
13 estimated cost of less than a minor construction threshold.

14 SEC. 305. The unexpended balances of prior appro-
15 priations provided for activities in this title may be avail-
16 able to the same appropriation accounts for such activities
17 established pursuant to this title. Available balances may
18 be merged with funds in the applicable established ac-
19 counts and thereafter may be accounted for as one fund
20 for the same time period as originally enacted.

21 SEC. 306. Funds appropriated by this or any other
22 Act, or made available by the transfer of funds in this
23 Act, for intelligence activities are deemed to be specifically
24 authorized by the Congress for purposes of section 504
25 of the National Security Act of 1947 (50 U.S.C. 414) dur-

1 ing fiscal year 2011 until the enactment of the Intelligence
2 Authorization Act for fiscal year 2011.

3 SEC. 307. None of the funds made available in this
4 title may be used to approve critical decision-2 or critical
5 decision-3 under Department of Energy Order 413.3A, or
6 any successive departmental guidance, for construction
7 projects where the total project cost exceeds
8 \$100,000,000, until a separate independent cost estimate
9 has been developed for the project for that critical deci-
10 sion.

11 SEC. 308. None of the funds made available in this
12 title may be used to take any action to authorize the con-
13 struction of any liquefied natural gas terminal or its infra-
14 structure to be located within 5 miles of the City of Fall
15 River, Massachusetts, or to authorize vessels carrying liq-
16 uefied natural gas to serve such terminal.

17 SEC. 309. None of the funds made available by this
18 title may be used to make a discretionary grant allocation,
19 discretionary grant award, discretionary contract award,
20 Other Transaction Agreement, or to issue a letter of intent
21 totaling in excess of \$1,000,000, or to announce publicly
22 the intention to make such an award, including a contract
23 covered by the Federal Acquisition Regulation, unless the
24 Secretary of Energy notifies the Committees on Appro-
25 priations of the Senate and the House of Representatives

1 at least 3 full business days in advance of making such
2 an award or issuing such a letter. The notification shall
3 include the recipient, the amount of the award, the fiscal
4 year for which the funds for the award were appropriated,
5 and the account and program or activity from which the
6 funds are being drawn. If the Secretary of the Department
7 of Energy determines that compliance with this section
8 would pose a substantial risk to human life, health, or
9 safety, an award may be made without notification and
10 the Committees on Appropriations of the Senate and the
11 House of Representatives shall be notified not later than
12 5 full business days after such an award is made or letter
13 issued. Purchases of power or transmission services made
14 by the Federal Power Marketing Administrations shall not
15 be subject to the notification requirements of this section.

16 SEC. 310. (a) Notwithstanding any other provision
17 of law, no funds appropriated in this Act, or any other
18 act, may be used in fiscal year 2011 to transfer, sell, bar-
19 ter, distribute, or otherwise provide more than 3.3 million
20 pounds of natural uranium equivalent of uranium in any
21 form from the Department's inventory.

22 (b) Any transfer, sale, barter, distribution, or other
23 provision of uranium in any form under subsection (a)
24 shall be carried out consistent with the Department's Ex-

1 cess Uranium Inventory Management Plan, dated Decem-
2 ber 16, 2008.

3 (c) The prohibition in subsection (a) shall not apply
4 to the transfer, sale, barter, distribution, or provision of
5 uranium in any form for use in initial reactor cores.

6 (d) Not less than 30 days prior to the provision of
7 uranium in any form in accordance with this section, the
8 Secretary shall notify the House and Senate Committees
9 on Appropriations, including:

10 (1) the amount of uranium to be bartered;

11 (2) the estimated market value of the uranium;

12 (3) the expected date of provision of the ura-
13 nium; and

14 (4) the recipient of the uranium.

15 SEC. 311. None of the funds made available by this
16 title or prior appropriation Acts may be used to make a
17 final or conditional loan guarantee award unless the Sec-
18 retary of Energy provides notification of the award, in-
19 cluding the proposed subsidy cost, to the Committees on
20 Appropriations of the Senate and the House of Represent-
21 atives at least three full business days in advance of such
22 award.

23 SEC. 312. (a) SUBMISSION TO CONGRESS.—The Sec-
24 retary of Energy shall submit to Congress each year, at
25 the time that the President's budget is submitted to Con-

1 gress that year under section 1105(a) of title 31, United
2 States Code, a future-years energy program reflecting the
3 estimated expenditures and proposed appropriations in-
4 cluded in that budget. Any such future-years energy pro-
5 gram shall cover the fiscal year with respect to which the
6 budget is submitted and at least the four succeeding fiscal
7 years. A future-years energy program shall be included in
8 the fiscal year 2013 budget submission to Congress and
9 every fiscal year thereafter.

10 (b) ELEMENTS.—Each future-years energy program
11 shall contain the following:

12 (1) The estimated expenditures and proposed
13 appropriations necessary to support programs,
14 projects, and activities of the Secretary of Energy
15 during the five fiscal year period covered by the pro-
16 gram, expressed in a level of detail comparable to
17 that contained in the budget submitted by the Presi-
18 dent to Congress under section 1105 of title 31,
19 United States Code.

20 (2) The estimated expenditures and proposed
21 appropriations shaped by high-level, prioritized pro-
22 gram and budgetary guidance that is consistent with
23 the Administration's policies and out-year budget
24 projections and reviewed by the Department's senior
25 leadership to ensure that the future-years energy

1 program is consistent and congruent with previously
2 established program and budgetary guidance.

3 (3) A description of the anticipated workload
4 requirements for each national laboratory during the
5 five fiscal year period.

6 (c) CONSISTENCY IN BUDGETING.—

7 (1) The Secretary of Energy shall ensure that
8 amounts described in subparagraph (A) of para-
9 graph (2) for any fiscal year are consistent with
10 amounts described in subparagraph (B) of para-
11 graph (2) for that fiscal year.

12 (2) Amounts referred to in paragraph (1) are
13 the following:

14 (A) The amounts specified in program and
15 budget information submitted to Congress by
16 the Secretary of Energy in support of expendi-
17 ture estimates and proposed appropriations in
18 the budget submitted to Congress by the Presi-
19 dent under section 1105(a) of title 31, United
20 States Code, for any fiscal year, as shown in
21 the future-years energy program submitted pur-
22 suant to subsection (a).

23 (B) The total amounts of estimated ex-
24 penditures and proposed appropriations nec-
25 essary to support the programs, projects, and

1 activities of the Administration included pursu-
2 ant to paragraph (5) of section 1105(a) of such
3 title in the budget submitted to Congress under
4 that section for any fiscal year.

5 TITLE IV

6 INDEPENDENT AGENCIES

7 APPALACHIAN REGIONAL COMMISSION

8 For expenses necessary to carry out the programs au-
9 thorized by the Appalachian Regional Development Act of
10 1965, for necessary expenses for the Federal Co-Chairman
11 and the Alternate on the Appalachian Regional Commis-
12 sion, for payment of the Federal share of the administra-
13 tive expenses of the Commission, including services as au-
14 thorized by 5 U.S.C. 3109, and hire of passenger motor
15 vehicles, \$76,000,000, to remain available until expended.

16 DEFENSE NUCLEAR FACILITIES SAFETY BOARD

17 SALARIES AND EXPENSES

18 For necessary expenses of the Defense Nuclear Fa-
19 cilities Safety Board in carrying out activities authorized
20 by the Atomic Energy Act of 1954, as amended by Public
21 Law 100-456, section 1441, \$26,086,000, to remain
22 available until expended.

1 DELTA REGIONAL AUTHORITY

2 SALARIES AND EXPENSES

3 For necessary expenses of the Delta Regional Author-
4 ity and to carry out its activities, as authorized by the
5 Delta Regional Authority Act of 2000, notwithstanding
6 sections 382C(b)(2), 382F(d), 382M, and 382N of said
7 Act, \$13,000,000, to remain available until expended.

8 DENALI COMMISSION

9 For expenses of the Denali Commission including the
10 purchase, construction, and acquisition of plant and cap-
11 ital equipment as necessary and other expenses,
12 \$11,965,000, to remain available until expended, notwith-
13 standing the limitations contained in section 306(g) of the
14 Denali Commission Act of 1998: *Provided*, That funds
15 shall be available for construction projects in an amount
16 not to exceed 80 percent of total project cost for distressed
17 communities, as defined by section 307 of the Denali Com-
18 mission Act of 1998 (division C, title III, Public Law 105-
19 277), as amended by section 701 of appendix D, title VII,
20 Public Law 106-113 (113 Stat. 1501A-280), and an
21 amount not to exceed 50 percent for nondistressed com-
22 munities.

23 NORTHERN BORDER REGIONAL COMMISSION

24 For necessary expenses of the Northern Border Re-
25 gional Commission in carrying out activities authorized by

1 subtitle V of title 40, United States Code, notwithstanding
2 section 15751(b), \$1,500,000, to remain available until
3 expended.

4 SOUTHEAST CRESCENT REGIONAL COMMISSION

5 For necessary expenses of the Southeast Crescent Re-
6 gional Commission in carrying out activities authorized by
7 subtitle V of title 40, United States Code, notwithstanding
8 section 15751(b), \$250,000, to remain available until ex-
9 pended.

10 NUCLEAR REGULATORY COMMISSION

11 SALARIES AND EXPENSES

12 For necessary expenses of the Nuclear Regulatory
13 Commission in carrying out the purposes of the Energy
14 Reorganization Act of 1974 and the Atomic Energy Act
15 of 1954, including official representation expenses (not to
16 exceed \$25,000), \$1,053,483,000, to remain available
17 until expended: *Provided*, That of the amount appro-
18 priated herein, \$10,000,000 shall be derived from the Nu-
19 clear Waste Fund: *Provided further*, That revenues from
20 licensing fees, inspection services, and other services and
21 collections estimated at \$915,220,000 in fiscal year 2011
22 shall be retained and used for necessary salaries and ex-
23 penses in this account, notwithstanding 31 U.S.C. 3302,
24 and shall remain available until expended: *Provided fur-*
25 *ther*, That the sum herein appropriated shall be reduced

1 by the amount of revenues received during fiscal year
2 2011 so as to result in a final fiscal year 2011 appropria-
3 tion estimated at not more than \$138,263,000: *Provided*
4 *further*, That of the amounts appropriated, \$10,000,000
5 is provided to support university research and development
6 in areas relevant to their respective organization's mission,
7 and \$5,000,000 is to support a Nuclear Science and Engi-
8 neering Grant Program that will support multiyear
9 projects that do not align with programmatic missions but
10 are critical to maintaining the discipline of nuclear science
11 and engineering.

12 OFFICE OF INSPECTOR GENERAL

13 For necessary expenses of the Office of Inspector
14 General in carrying out the provisions of the Inspector
15 General Act of 1978, as amended, \$10,102,000, to remain
16 available until expended: *Provided*, That revenues from li-
17 censing fees, inspection services, and other services and
18 collections estimated at \$9,092,000 in fiscal year 2011
19 shall be retained and be available until expended, for nec-
20 essary salaries and expenses in this account, notwith-
21 standing 31 U.S.C. 3302: *Provided further*, That the sum
22 herein appropriated shall be reduced by the amount of rev-
23 enues received during fiscal year 2011 so as to result in
24 a final fiscal year 2011 appropriation estimated at not
25 more than \$1,010,000.

1 NUCLEAR WASTE TECHNICAL REVIEW BOARD

2 SALARIES AND EXPENSES

3 For necessary expenses of the Nuclear Waste Tech-
4 nical Review Board, as authorized by Public Law 100-
5 203, section 5051, \$3,891,000, to be derived from the Nu-
6 clear Waste Fund, and to remain available until expended.

7 OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA

8 NATURAL GAS TRANSPORTATION PROJECTS

9 For necessary expenses for the Office of the Federal
10 Coordinator for Alaska Natural Gas Transportation
11 Projects pursuant to the Alaska Natural Gas Pipeline Act
12 of 2004, \$4,285,000, to remain available until expended:
13 *Provided*, That any fees, charges, or commissions received
14 pursuant to section 802 of Public Law 110-140 in fiscal
15 year 2011 in excess of \$4,683,000 shall not be available
16 for obligation until appropriated in a subsequent Act of
17 Congress.

18 TITLE V

19 GENERAL PROVISIONS

20 SEC. 501. None of the funds appropriated by this Act
21 may be used in any way, directly or indirectly, to influence
22 congressional action on any legislation or appropriation
23 matters pending before Congress, other than to commu-
24 nicate to Members of Congress as described in 18 U.S.C.
25 1913.

1 SEC. 502. None of the funds made available in this
2 Act may be transferred to any department, agency, or in-
3 strumentality of the United States Government, except
4 pursuant to a transfer made by, or transfer authority pro-
5 vided in this Act or any other appropriation Act.

6 This division may be cited as the “Energy and Water
7 Development and Related Agencies Appropriations Act,
8 2011”.

9 **DIVISION E—FINANCIAL SERVICES AND**
10 **GENERAL GOVERNMENT APPROPRIA-**
11 **TIONS ACT, 2011**

12 TITLE I

13 DEPARTMENT OF THE TREASURY

14 DEPARTMENTAL OFFICES

15 SALARIES AND EXPENSES

16 (INCLUDING TRANSFERS OF FUNDS)

17 For necessary expenses of the Departmental Offices
18 including operation and maintenance of the Treasury
19 Building and Annex; hire of passenger motor vehicles;
20 maintenance, repairs, and improvements of, and purchase
21 of commercial insurance policies for, real properties leased
22 or owned overseas, when necessary for the performance
23 of official business, \$334,650,000, of which not to exceed
24 \$38,531,000 is for executive direction program activities;
25 not to exceed \$66,918,000 is for economic policies and

1 programs activities, including \$1,000,000 that shall be
2 transferred to the National Academy of Sciences for a
3 study by the Board on Mathematical Sciences and Their
4 Applications on the long-term economic effects of the
5 aging population in the United States, to remain available
6 until September 30, 2012; not to exceed \$86,075,000 is
7 for financial policies and programs activities; not to exceed
8 \$102,613,000 is for terrorism and financial intelligence
9 activities; and not to exceed \$40,512,000 is for Treasury-
10 wide management policies and programs activities: *Pro-*
11 *vided*, That the Secretary of the Treasury is authorized
12 to transfer funds appropriated for any program activity
13 of the Departmental Offices to any other program activity
14 of the Departmental Offices upon notification to the Com-
15 mittees on Appropriations: *Provided further*, That no ap-
16 propriation for any program activity shall be increased or
17 decreased by more than 4 percent by all such transfers:
18 *Provided further*, That any change in funding greater than
19 4 percent shall be submitted for approval to the Commit-
20 tees on Appropriations: *Provided further*, That of the
21 amount appropriated under this heading, not to exceed
22 \$3,000,000, to remain available until September 30, 2012,
23 is for information technology modernization requirements;
24 not to exceed \$200,000 is for official reception and rep-
25 resentation expenses; \$400,000 is to support increased

1 international representation commitments of the Sec-
2 retary; and not to exceed \$258,000 is for unforeseen emer-
3 gencies of a confidential nature, to be allocated and ex-
4 pended under the direction of the Secretary of the Treas-
5 ury and to be accounted for solely on his certificate: *Pro-*
6 *vided further*, That of the amount appropriated under this
7 heading, \$6,787,000, to remain available until September
8 30, 2012, is for the Treasury-wide Financial Statement
9 Audit and Internal Control Program, of which such
10 amounts as may be necessary may be transferred to ac-
11 counts of the Department's offices and bureaus to conduct
12 audits: *Provided further*, That this transfer authority shall
13 be in addition to any other provided in this Act: *Provided*
14 *further*, That of the amount appropriated under this head-
15 ing, \$500,000, to remain available until September 30,
16 2012, is for secure space requirements: *Provided further*,
17 That of the amount appropriated under this heading,
18 \$1,100,000, to remain available until September 30, 2012,
19 is for salary and benefits for hiring of personnel whose
20 work will require completion of a security clearance inves-
21 tigation in order to perform highly classified work to fur-
22 ther the activities of the Office of Terrorism and Financial
23 Intelligence: *Provided further*, That of the amount appro-
24 priated under this heading, up to \$3,400,000, to remain
25 available until September 30, 2013, is to develop and im-

1 plement programs within the Office of Critical Infrastruc-
2 ture Protection and Compliance Policy, including entering
3 into cooperative agreements: *Provided further*, That of the
4 amount appropriated under this heading, \$3,000,000, to
5 remain available until September 30, 2013, is for modern-
6 izing the Office of Debt Management’s information tech-
7 nology: *Provided further*, That notwithstanding any other
8 provision of law, up to \$1,000,000, may be contributed
9 to the Global Forum on Transparency and Exchange of
10 Information for Tax Purposes, a Part II Program of the
11 Organization for Economic Cooperation and Development
12 (OECD), to cover the cost assessed by that organization
13 for Treasury’s participation therein, and to the Forum on
14 Tax Administration of the OECD in which the Internal
15 Revenue Service participates, to support the work of that
16 forum to improve global tax administration: *Provided fur-*
17 *ther*, That of the amount appropriated under this heading,
18 \$2,500,000 shall be to supplement and not supplant train-
19 ing, recruitment, retention, and hiring additional members
20 of the acquisition workforce as defined by the Office of
21 Federal Procurement Policy Act (41 U.S.C. 401 et seq.)
22 and for information technology in support of acquisition
23 workforce effectiveness and management.

1 DEPARTMENT-WIDE SYSTEMS AND CAPITAL
2 INVESTMENTS PROGRAMS
3 (INCLUDING TRANSFER OF FUNDS)

4 For development and acquisition of automatic data
5 processing equipment, software, and services for the De-
6 partment of the Treasury, \$11,000,000, to remain avail-
7 able until September 30, 2013: *Provided*, That these funds
8 shall be transferred to accounts and in amounts as nec-
9 essary to satisfy the requirements of the Department's of-
10 fices, bureaus, and other organizations: *Provided further*,
11 That this transfer authority shall be in addition to any
12 other transfer authority provided in this Act: *Provided fur-*
13 *ther*, That none of the funds appropriated under this head-
14 ing shall be used to support or supplement "Internal Rev-
15 enue Service, Operations Support" or "Internal Revenue
16 Service, Business Systems Modernization".

17 OFFICE OF INSPECTOR GENERAL
18 SALARIES AND EXPENSES

19 For necessary expenses of the Office of Inspector
20 General in carrying out the provisions of the Inspector
21 General Act of 1978, \$32,269,000, of which not to exceed
22 \$2,000,000 for official travel expenses, including hire of
23 passenger motor vehicles; of which not to exceed \$100,000
24 for unforeseen emergencies of a confidential nature, to be
25 allocated and expended under the direction of the Inspec-

1 tor General of the Treasury, and of which not to exceed
2 \$2,500 shall be available for official reception and rep-
3 resentation expenses.

4 TREASURY INSPECTOR GENERAL FOR TAX

5 ADMINISTRATION

6 SALARIES AND EXPENSES

7 For necessary expenses of the Treasury Inspector
8 General for Tax Administration in carrying out the In-
9 spector General Act of 1978, including purchase (not to
10 exceed 150 for replacement only for police-type use) and
11 hire of passenger motor vehicles (31 U.S.C. 1343(b));
12 services authorized by 5 U.S.C. 3109, at such rates as
13 may be determined by the Inspector General for Tax Ad-
14 ministration; \$155,452,000, of which not to exceed
15 \$6,000,000 shall be available for official travel expenses;
16 of which not to exceed \$500,000 shall be available for un-
17 foreseen emergencies of a confidential nature, to be allo-
18 cated and expended under the direction of the Inspector
19 General for Tax Administration; and of which not to ex-
20 ceed \$1,500 shall be available for official reception and
21 representation expenses.

1 SPECIAL INSPECTOR GENERAL FOR THE TROUBLED
2 ASSET RELIEF PROGRAM
3 SALARIES AND EXPENSES

4 For necessary expenses of the Office of the Special
5 Inspector General in carrying out the provisions of the
6 Emergency Economic Stabilization Act of 2008 (Public
7 Law 110–343), \$49,600,000.

8 FINANCIAL CRIMES ENFORCEMENT NETWORK
9 SALARIES AND EXPENSES

10 For necessary expenses of the Financial Crimes En-
11 forcement Network, including hire of passenger motor ve-
12 hicles; travel and training expenses, including for course
13 development, of non-Federal and foreign government per-
14 sonnel to attend meetings and training concerned with do-
15 mestic and foreign financial intelligence activities, law en-
16 forcement, and financial regulation; not to exceed \$14,000
17 for official reception and representation expenses; and for
18 assistance to Federal law enforcement agencies, with or
19 without reimbursement, \$121,000,000, of which not to ex-
20 ceed \$45,835,000 shall remain available until September
21 30, 2013; and of which \$9,268,000 shall remain available
22 until September 30, 2012: *Provided*, That funds appro-
23 priated in this account may be used to procure personal
24 services contracts.

1 TREASURY FORFEITURE FUND

2 (RESCISSION)

3 Of the unobligated balances available under this
4 heading, \$370,000,000 are rescinded.

5 FINANCIAL MANAGEMENT SERVICE

6 SALARIES AND EXPENSES

7 For necessary expenses of the Financial Management
8 Service, \$235,253,000, of which not to exceed \$9,220,000
9 shall remain available until September 30, 2013, for infor-
10 mation systems modernization initiatives; and of which not
11 to exceed \$2,500 shall be available for official reception
12 and representation expenses.

13 ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

14 SALARIES AND EXPENSES

15 For necessary expenses of carrying out section 1111
16 of the Homeland Security Act of 2002, including hire of
17 passenger motor vehicles, \$101,000,000; of which not to
18 exceed \$6,000 for official reception and representation ex-
19 penses; not to exceed \$50,000 for cooperative research and
20 development programs for laboratory services; and provi-
21 sion of laboratory assistance to State and local agencies
22 with or without reimbursement.

1 UNITED STATES MINT

2 UNITED STATES MINT PUBLIC ENTERPRISE FUND

3 Pursuant to 31 U.S.C. 5136, the United States Mint
4 is provided funding through the United States Mint Public
5 Enterprise Fund for costs associated with the production
6 of circulating coins, numismatic coins, and protective serv-
7 ices, including both operating expenses and capital invest-
8 ments. The aggregate amount of new liabilities and obliga-
9 tions incurred during fiscal year 2011 under such section
10 5136 for circulating coinage and protective service capital
11 investments of the United States Mint shall not exceed
12 \$25,000,000.

13 BUREAU OF THE PUBLIC DEBT

14 ADMINISTERING THE PUBLIC DEBT

15 For necessary expenses connected with any public-
16 debt issues of the United States, \$185,985,000, of which
17 not to exceed \$2,500 shall be available for official recep-
18 tion and representation expenses, and of which not to ex-
19 ceed \$2,000,000 shall remain available until September
20 30, 2013, for systems modernization: *Provided*, That the
21 sum appropriated herein from the general fund for fiscal
22 year 2011 shall be reduced by not more than \$10,000,000
23 as definitive security issue fees and Legacy Treasury Di-
24 rect Investor Account Maintenance fees are collected, so
25 as to result in a final fiscal year 2011 appropriation from

1 the general fund estimated at \$175,985,000. In addition,
2 \$110,000 to be derived from the Oil Spill Liability Trust
3 Fund to reimburse the Bureau for administrative and per-
4 sonnel expenses for financial management of the Fund,
5 as authorized by section 1012 of Public Law 101–380.

6 COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

7 FUND PROGRAM ACCOUNT

8 To carry out the Community Development Banking
9 and Financial Institutions Act of 1994 (Public Law 103–
10 325), including services authorized by 5 U.S.C. 3109, but
11 at rates for individuals not to exceed the per diem rate
12 equivalent to the rate for ES–3, notwithstanding 12
13 U.S.C. 4707(d) and (e), \$277,400,000, to remain avail-
14 able until September 30, 2012; of which \$12,000,000 shall
15 be for financial assistance, technical assistance, training
16 and outreach programs designed to benefit Native Amer-
17 ican, Native Hawaiian, and Alaskan Native communities
18 and provided primarily through qualified community de-
19 velopment lender organizations with experience and exper-
20 tise in community development banking and lending in In-
21 dian country, Native American organizations, tribes and
22 tribal organizations and other suitable providers; of which
23 \$1,000,000 shall be available for the grant program under
24 section 1132 of division A of the Housing and Economic
25 Recovery Act of 2008 (Public Law 110–289); of which,

1 notwithstanding 12 U.S.C. 4707(d) and (e), up to
2 \$25,000,000 shall be for a Healthy Food Financing Initia-
3 tive to provide grants and loans to community develop-
4 ment financial institutions for the purpose of offering af-
5 fordable financing and technical assistance to expand the
6 availability of healthy food options in distressed commu-
7 nities; of which up to \$52,400,000 shall be for initiatives
8 designed to enable individuals with low or moderate in-
9 come levels to establish bank accounts and to improve ac-
10 cess to the provision of bank accounts as authorized by
11 sections 1204 and 1205 of Public Law 111–203, of which
12 not less than \$2,400,000 shall be for an eligible entity or
13 entities located in the State of Hawaii; of which up to
14 \$5,000,000 shall be for grants to establish loan-loss re-
15 serve funds to defray the costs of small dollar loan pro-
16 grams as authorized by section 1206 of Public Law 111–
17 203; and of which up to \$26,000,000 may be used for
18 administrative expenses, including administration of the
19 New Markets Tax Credit.

20 INTERNAL REVENUE SERVICE

21 TAXPAYER SERVICES

22 For necessary expenses of the Internal Revenue Serv-
23 ice (IRS) to provide taxpayer services, including pre-filing
24 assistance and education, filing and account services, tax-
25 payer advocacy services, and other services as authorized

1 by 5 U.S.C. 3109, at such rates as may be determined
2 by the Commissioner, \$2,338,215,000, of which not less
3 than \$6,500,000 shall be for the Tax Counseling for the
4 Elderly Program, of which not less than \$10,500,000 shall
5 be available for low-income taxpayer clinic grants, of which
6 not less than \$14,000,000, to remain available until Sep-
7 tember 30, 2012, shall be available for a Community Vol-
8 unteer Income Tax Assistance matching grants program
9 for tax return preparation assistance, and of which not
10 less than \$212,500,000 shall be available for operating ex-
11 penses of the Taxpayer Advocate Service.

12 ENFORCEMENT

13 (INCLUDING TRANSFER OF FUNDS)

14 For necessary expenses for tax enforcement activities
15 of the IRS to determine and collect owed taxes, to provide
16 legal and litigation support, to conduct criminal investiga-
17 tions, to enforce criminal statutes related to violations of
18 internal revenue laws and other financial crimes, to pur-
19 chase (for police-type use, not to exceed 850) and hire pas-
20 senger motor vehicles (31 U.S.C. 1343(b)), and to provide
21 other services as authorized by 5 U.S.C. 3109, at such
22 rates as may be determined by the Commissioner,
23 \$5,709,547,000, of which not less than \$60,257,000 shall
24 be for the Interagency Crime and Drug Enforcement pro-
25 gram: *Provided*, That up to \$10,000,000 may be trans-

1 ferred as necessary from this account to “Operations Sup-
2 port” solely for the purposes of the Interagency Crime and
3 Drug Enforcement program: *Provided further*, That this
4 transfer authority shall be in addition to any other trans-
5 fer authority provided in this Act.

6 OPERATIONS SUPPORT

7 For necessary expenses of the IRS to support tax-
8 payer services and enforcement programs, including rent
9 payments; facilities services; printing; postage; physical se-
10 curity; headquarters and other IRS-wide administration
11 activities; research and statistics of income; telecommuni-
12 cations; information technology development, enhance-
13 ment, operations, maintenance, and security; the hire of
14 passenger motor vehicles (31 U.S.C. 1343(b)); and other
15 services as authorized by 5 U.S.C. 3109, at such rates
16 as may be determined by the Commissioner;
17 \$4,079,591,000, of which up to \$75,000,000 shall remain
18 available until September 30, 2012, for information tech-
19 nology support; of which up to \$65,000,000 shall remain
20 available until expended for acquisition of real property,
21 equipment, construction and renovation of facilities; and
22 of which not to exceed \$1,000,000 shall remain available
23 until September 30, 2013, for research; of which not less
24 than \$2,000,000 shall be for the IRS Oversight Board;

1 of which not to exceed \$25,000 shall be for official recep-
2 tion and representation.

3 BUSINESS SYSTEMS MODERNIZATION

4 For necessary expenses of the IRS's business systems
5 modernization program, \$364,181,000, to remain avail-
6 able until September 30, 2013, for the capital asset acqui-
7 sition of information technology systems, including man-
8 agement and related contractual costs of said acquisitions,
9 including related IRS labor costs, and contractual costs
10 associated with operations authorized by 5 U.S.C. 3109:
11 *Provided*, That, with the exception of labor costs, none of
12 these funds may be obligated until the IRS submits to the
13 Committees on Appropriations, and such Committees ap-
14 prove, a plan for expenditure that: (1) meets the capital
15 planning and investment control review requirements es-
16 tablished by the Office of Management and Budget
17 (OMB), including Circular A-11; (2) complies with the
18 IRS's enterprise architecture, including the modernization
19 blueprint; (3) conforms with the IRS's enterprise life cycle
20 methodology; (4) is approved by the IRS, the Department
21 of the Treasury, and OMB; (5) has been reviewed by the
22 Government Accountability Office; and (6) complies with
23 the acquisition rules, requirements, guidelines, and sys-
24 tems acquisition management practices of the Federal
25 Government.

1 HEALTH INSURANCE TAX CREDIT ADMINISTRATION

2 For expenses necessary to implement the health in-
3 surance tax credit included in the Trade Act of 2002
4 (Public Law 107–210), \$18,987,000.

5 ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE

6 SERVICE

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 101. Not to exceed 5 percent of any appropria-
9 tion made available in this Act to the IRS or not to exceed
10 3 percent of appropriations under the heading “Enforce-
11 ment” may be transferred to any other IRS appropriation
12 upon the advance approval of the Committees on Appro-
13 priations.

14 SEC. 102. The IRS shall maintain a training program
15 to ensure that IRS employees are trained in taxpayers’
16 rights, in dealing courteously with taxpayers, and in cross-
17 cultural relations.

18 SEC. 103. The IRS shall institute and enforce policies
19 and procedures that will safeguard the confidentiality of
20 taxpayer information.

21 SEC. 104. Funds made available by this or any other
22 Act to the IRS shall be available for improved facilities
23 and increased staffing to provide sufficient and effective
24 1–800 help line service for taxpayers. The Commissioner
25 shall continue to make the improvement of the IRS 1–

1 800 help line service a priority and allocate resources nec-
2 essary to increase phone lines and staff to improve the
3 IRS 1–800 help line service.

4 SEC. 105. None of the funds made available in this
5 Act may be used to enter into, renew, extend, administer,
6 implement, enforce, or provide oversight of any qualified
7 tax collection contract (as defined in section 6306 of the
8 Internal Revenue Code of 1986).

9 ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE
10 TREASURY
11 (INCLUDING TRANSFERS OF FUNDS)

12 SEC. 106. Appropriations to the Department of the
13 Treasury in this Act shall be available for uniforms or al-
14 lowances therefor, as authorized by law (5 U.S.C. 5901),
15 including maintenance, repairs, and cleaning; purchase of
16 insurance for official motor vehicles operated in foreign
17 countries; purchase of motor vehicles without regard to the
18 general purchase price limitations for vehicles purchased
19 and used overseas for the current fiscal year; entering into
20 contracts with the Department of State for the furnishing
21 of health and medical services to employees and their de-
22 pendants serving in foreign countries; and services author-
23 ized by 5 U.S.C. 3109.

24 SEC. 107. Not to exceed 2 percent of any appropria-
25 tions in this Act made available to the Departmental Of-

1 fices—Salaries and Expenses, Office of Inspector General,
2 Special Inspector General for the Troubled Asset Relief
3 Program, Financial Management Service, Alcohol and To-
4 bacco Tax and Trade Bureau, Financial Crimes Enforce-
5 ment Network, and Bureau of the Public Debt, may be
6 transferred between such appropriations upon the advance
7 approval of the Committees on Appropriations: *Provided*,
8 That no transfer may increase or decrease any such appro-
9 priation by more than 2 percent.

10 SEC. 108. Not to exceed 2 percent of any appropria-
11 tion made available in this Act to the IRS may be trans-
12 ferred to the Treasury Inspector General for Tax Adminis-
13 tration's appropriation upon the advance approval of the
14 Committees on Appropriations: *Provided*, That no transfer
15 may increase or decrease any such appropriation by more
16 than 2 percent.

17 SEC. 109. Of the funds available for the purchase of
18 law enforcement vehicles, no funds may be obligated until
19 the Secretary of the Treasury certifies that the purchase
20 by the respective Treasury bureau is consistent with de-
21 partmental vehicle management principles: *Provided*, That
22 the Secretary may delegate this authority to the Assistant
23 Secretary for Management.

24 SEC. 110. None of the funds appropriated in this Act
25 or otherwise available to the Department of the Treasury

1 or the Bureau of Engraving and Printing may be used
2 to redesign the \$1 Federal Reserve note.

3 SEC. 111. The Secretary of the Treasury may trans-
4 fer funds from Financial Management Service, Salaries
5 and Expenses to the Debt Collection Fund as necessary
6 to cover the costs of debt collection: *Provided*, That such
7 amounts shall be reimbursed to such salaries and expenses
8 account from debt collections received in the Debt Collec-
9 tion Fund.

10 SEC. 112. Section 122(g)(1) of Public Law 105–119
11 (5 U.S.C. 3104 note), is further amended by striking “12
12 years” and inserting “13 years”.

13 SEC. 113. None of the funds appropriated or other-
14 wise made available by this or any other Act may be used
15 by the United States Mint to construct or operate any mu-
16 seum without the explicit approval of the Committees on
17 Appropriations, the House Committee on Financial Serv-
18 ices, and the Senate Committee on Banking, Housing and
19 Urban Affairs.

20 SEC. 114. None of the funds appropriated or other-
21 wise made available by this or any other Act or source
22 to the Department of the Treasury, the Bureau of Engrav-
23 ing and Printing, and the United States Mint, individually
24 or collectively, may be used to consolidate any or all func-
25 tions of the Bureau of Engraving and Printing and the

1 United States Mint without the explicit approval of the
2 House Committee on Financial Services; the Senate Com-
3 mittee on Banking, Housing, and Urban Affairs; and the
4 Committees on Appropriations.

5 SEC. 115. Funds appropriated by this Act, or made
6 available by the transfer of funds in this Act, for the De-
7 partment of the Treasury's intelligence or intelligence re-
8 lated activities are deemed to be specifically authorized by
9 the Congress for purposes of section 504 of the National
10 Security Act of 1947 (50 U.S.C. 414) during fiscal year
11 2011 until the enactment of the Intelligence Authorization
12 Act for Fiscal Year 2011.

13 SEC. 116. Not to exceed \$5,000 shall be made avail-
14 able from the Bureau of Engraving and Printing's Indus-
15 trial Revolving Fund for necessary official reception and
16 representation expenses.

17 SEC. 117. The Secretary of the Treasury shall notify
18 the Committees on Appropriations of any proposed trans-
19 fer of funds available under 31 U.S.C. 9703(g)(4)(B) from
20 the Department of the Treasury Forfeiture Fund to any
21 agency or account within the Department of the Treasury:
22 *Provided*, That none of the funds identified for such trans-
23 fer may be obligated until the Committees on Appropria-
24 tions approve the proposed transfers in writing: *Provided*
25 *further*, That none of the funds identified for such trans-

1 fers may be used to initiate or resume any project, pro-
2 gram, or activity for which appropriations, funds, or other
3 authority are not available during fiscal year 2011: *Pro-*
4 *vided further*, That none of the funds identified for such
5 transfer may be used during fiscal year 2011 for any
6 project, program, or activity for which appropriations,
7 funds, or other authority will be necessary to continue or
8 complete such project, program, or activity in fiscal year
9 2012 or thereafter without prior notification of the multi-
10 year nature and cost estimate of the project, program, or
11 activity and written approval of the Committees on Appro-
12 priations: *Provided further*, That none of the funds identi-
13 fied for such transfer may be used for the purpose of any
14 large-scale information technology modernization project.

15 SEC. 118. The Secretary of the Treasury shall submit
16 a Capital Investment Plan to the Committees on Appro-
17 priations not later than 30 days following the submission
18 of the annual budget for the Administration submitted by
19 the President. Such Capital Investment Plan shall include
20 capital investment spending included in the annual budget
21 for the administration on programs, projects, or activities
22 of the Department of the Treasury from all accounts with-
23 in the Department of the Treasury, including but not lim-
24 ited to the Department-wide Systems and Capital Invest-
25 ment Programs account, the Working Capital Fund ac-

1 count, and the Treasury Forfeiture Fund account. Such
2 Capital Investment Plan shall include expenditures occur-
3 ring in previous fiscal years for each capital investment
4 project that has not been fully completed.

5 This title may be cited as the “Department of the
6 Treasury Appropriations Act, 2011”.

7 TITLE II

8 EXECUTIVE OFFICE OF THE PRESIDENT AND 9 FUNDS APPROPRIATED TO THE PRESIDENT

10 COMPENSATION OF THE PRESIDENT

11 For compensation of the President, including an ex-
12 pense allowance at the rate of \$50,000 per annum as au-
13 thorized by 3 U.S.C. 102, \$450,000: *Provided*, That none
14 of the funds made available for official expenses shall be
15 expended for any other purpose and any unused amount
16 shall revert to the Treasury pursuant to 31 U.S.C. 1552.

17 THE WHITE HOUSE

18 SALARIES AND EXPENSES

19 For necessary expenses for the White House as au-
20 thorized by law, including not to exceed \$3,850,000 for
21 services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105;
22 subsistence expenses as authorized by 3 U.S.C. 105, which
23 shall be expended and accounted for as provided in that
24 section; hire of passenger motor vehicles, newspapers,
25 periodicals, teletype news service, and travel (not to exceed

1 \$100,000 to be expended and accounted for as provided
2 by 3 U.S.C. 103); and not to exceed \$19,000 for official
3 entertainment expenses, to be available for allocation with-
4 in the Executive Office of the President; and for necessary
5 expenses of the Office of Policy Development, including
6 services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107,
7 \$59,859,000, of which not less than \$1,400,000 shall be
8 for the Office of National AIDS Policy.

9 EXECUTIVE RESIDENCE AT THE WHITE HOUSE

10 OPERATING EXPENSES

11 For the care, maintenance, repair and alteration, re-
12 furnishing, improvement, heating, and lighting, including
13 electric power and fixtures, of the Executive Residence at
14 the White House and official entertainment expenses of
15 the President, \$14,006,000, to be expended and accounted
16 for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

17 REIMBURSABLE EXPENSES

18 For the reimbursable expenses of the Executive Resi-
19 dence at the White House, such sums as may be nec-
20 essary: *Provided*, That all reimbursable operating expenses
21 of the Executive Residence shall be made in accordance
22 with the provisions of this paragraph: *Provided further*,
23 That, notwithstanding any other provision of law, such
24 amount for reimbursable operating expenses shall be the
25 exclusive authority of the Executive Residence to incur ob-

1 ligations and to receive offsetting collections, for such ex-
2 penses: *Provided further*, That the Executive Residence
3 shall require each person sponsoring a reimbursable polit-
4 ical event to pay in advance an amount equal to the esti-
5 mated cost of the event, and all such advance payments
6 shall be credited to this account and remain available until
7 expended: *Provided further*, That the Executive Residence
8 shall require the national committee of the political party
9 of the President to maintain on deposit \$25,000, to be
10 separately accounted for and available for expenses relat-
11 ing to reimbursable political events sponsored by such
12 committee during such fiscal year: *Provided further*, That
13 the Executive Residence shall ensure that a written notice
14 of any amount owed for a reimbursable operating expense
15 under this paragraph is submitted to the person owing
16 such amount within 60 days after such expense is in-
17 curred, and that such amount is collected within 30 days
18 after the submission of such notice: *Provided further*, That
19 the Executive Residence shall charge interest and assess
20 penalties and other charges on any such amount that is
21 not reimbursed within such 30 days, in accordance with
22 the interest and penalty provisions applicable to an out-
23 standing debt on a United States Government claim under
24 31 U.S.C. 3717: *Provided further*, That each such amount
25 that is reimbursed, and any accompanying interest and

1 charges, shall be deposited in the Treasury as miscella-
2 neous receipts: *Provided further*, That the Executive Resi-
3 dence shall prepare and submit to the Committees on Ap-
4 propriations, by not later than 90 days after the end of
5 the fiscal year covered by this Act, a report setting forth
6 the reimbursable operating expenses of the Executive Res-
7 idence during the preceding fiscal year, including the total
8 amount of such expenses, the amount of such total that
9 consists of reimbursable official and ceremonial events, the
10 amount of such total that consists of reimbursable political
11 events, and the portion of each such amount that has been
12 reimbursed as of the date of the report: *Provided further*,
13 That the Executive Residence shall maintain a system for
14 the tracking of expenses related to reimbursable events
15 within the Executive Residence that includes a standard
16 for the classification of any such expense as political or
17 nonpolitical: *Provided further*, That no provision of this
18 paragraph may be construed to exempt the Executive Res-
19 idence from any other applicable requirement of sub-
20 chapter I or II of chapter 37 of title 31, United States
21 Code.

22 WHITE HOUSE REPAIR AND RESTORATION

23 For the repair, alteration, and improvement of the
24 Executive Residence at the White House, \$2,005,000, to
25 remain available until expended, for required maintenance,

1 resolution of safety and health issues, and continued pre-
2 ventative maintenance.

3 COUNCIL OF ECONOMIC ADVISERS

4 SALARIES AND EXPENSES

5 For necessary expenses of the Council of Economic
6 Advisers in carrying out its functions under the Employ-
7 ment Act of 1946 (15 U.S.C. 1021 et seq.), \$4,403,000.

8 NATIONAL SECURITY COUNCIL AND HOMELAND

9 SECURITY COUNCIL

10 SALARIES AND EXPENSES

11 For necessary expenses of the National Security
12 Council and the Homeland Security Council, including
13 services as authorized by 5 U.S.C. 3109, \$14,134,000.

14 OFFICE OF ADMINISTRATION

15 SALARIES AND EXPENSES

16 For necessary expenses of the Office of Administra-
17 tion, including services as authorized by 5 U.S.C. 3109
18 and 3 U.S.C. 107, and hire of passenger motor vehicles,
19 \$115,280,000, of which \$12,777,000 shall remain avail-
20 able until expended for continued modernization of the in-
21 formation technology infrastructure within the Executive
22 Office of the President.

1 OFFICE OF MANAGEMENT AND BUDGET
2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of Management
4 and Budget (OMB), including hire of passenger motor ve-
5 hicles and services as authorized by 5 U.S.C. 3109 and
6 to carry out the provisions of chapter 35 of title 44,
7 U.S.C., \$92,863,000, of which not to exceed \$3,000 shall
8 be available for official representation expenses: *Provided*,
9 That none of the funds appropriated in this Act for OMB
10 may be used for the purpose of reviewing any agricultural
11 marketing orders or any activities or regulations under the
12 provisions of the Agricultural Marketing Agreement Act
13 of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That
14 none of the funds made available for OMB by this Act
15 may be expended for the altering of the transcript of ac-
16 tual testimony of witnesses, except for testimony of offi-
17 cials of OMB, before the Committees on Appropriations
18 or their subcommittees: *Provided further*, That none of the
19 funds provided in this or prior Acts shall be used, directly
20 or indirectly, by OMB, for evaluating or determining if
21 water resource project or study reports submitted by the
22 Chief of Engineers acting through the Secretary of the
23 Army are in compliance with all applicable laws, regula-
24 tions, and requirements relevant to the Civil Works water
25 resource planning process: *Provided further*, That OMB

1 shall have not more than 60 days in which to perform
2 budgetary policy reviews of water resource matters on
3 which the Chief of Engineers has reported: *Provided fur-*
4 *ther*, That the Director of OMB shall notify the appro-
5 priate authorizing and appropriating committees when the
6 60-day review is initiated: *Provided further*, That if water
7 resource reports have not been transmitted to the appro-
8 priate authorizing and appropriating committees within
9 15 days after the end of the OMB review period based
10 on the notification from the Director, Congress shall as-
11 sume OMB concurrence with the report and act accord-
12 ingly.

13 GOVERNMENT-WIDE MANAGEMENT COUNCILS

14 (INCLUDING TRANSFER OF FUNDS)

15 Notwithstanding 31 U.S.C. 1346 and section 708 of
16 this Act, the head of each Executive department and agen-
17 cy is hereby authorized to transfer to or reimburse “Gen-
18 eral Services Administration, Government-wide Policy”
19 with the approval of the Director of the Office of Manage-
20 ment and Budget (OMB), funds made available for fiscal
21 year 2011 by this or any other Act, including rebates from
22 charge card and other contracts: *Provided*, That these
23 funds shall be administered by the Administrator of Gen-
24 eral Services to support Government-wide and other multi-
25 agency financial, information technology, procurement,

1 and other management innovations, initiatives, and activi-
2 ties, as approved by the Director of OMB, in consultation
3 with the appropriate interagency and multi-agency groups
4 designated by the Director, including the President’s Man-
5 agement Council for overall management improvement ini-
6 tiatives, the Chief Financial Officers Council for financial
7 management initiatives, the Chief Information Officers
8 Council for information technology initiatives, the Chief
9 Human Capital Officers Council for human capital initia-
10 tives, the Chief Acquisition Officers Council for procure-
11 ment initiatives, and the Performance Improvement Coun-
12 cil for performance improvement initiatives: *Provided fur-*
13 *ther*, That the total funds transferred or reimbursed shall
14 not exceed \$17,000,000: *Provided further*, That the funds
15 transferred to or for reimbursement of “General Services
16 Administration, Government-wide Policy” during fiscal
17 year 2011 shall remain available for obligation through
18 September 30, 2012: *Provided further*, That such transfers
19 or reimbursements may only be made following written ap-
20 proval of the Committees on Appropriations.

21 OFFICE OF NATIONAL DRUG CONTROL POLICY

22 SALARIES AND EXPENSES

23 For necessary expenses of the Office of National
24 Drug Control Policy; for research activities pursuant to
25 the Office of National Drug Control Policy Reauthoriza-

1 tion Act of 2006 (Public Law 109–469); not to exceed
2 \$10,000 for official reception and representation expenses;
3 and for participation in joint projects or in the provision
4 of services on matters of mutual interest with nonprofit,
5 research, or public organizations or agencies, with or with-
6 out reimbursement, \$27,900,000; of which up to
7 \$1,235,000 may remain available until expended upon re-
8 ceipt of an expenditure plan for policy research and eval-
9 uation: *Provided*, That the Office is authorized to accept,
10 hold, administer, and utilize gifts, both real and personal,
11 public and private, without fiscal year limitation, for the
12 purpose of aiding or facilitating the work of the Office.

13 FEDERAL DRUG CONTROL PROGRAMS

14 HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

15 (INCLUDING TRANSFERS OF FUNDS)

16 For necessary expenses of the Office of National
17 Drug Control Policy’s High Intensity Drug Trafficking
18 Areas Program, \$239,000,000, to remain available until
19 September 30, 2012, for drug control activities consistent
20 with the approved strategy for each of the designated
21 High Intensity Drug Trafficking Areas (“HIDTAs”), of
22 which not less than 51 percent shall be transferred to
23 State and local entities for drug control activities and shall
24 be obligated not later than 120 days after enactment of
25 this Act: *Provided*, That up to 49 percent may be trans-

1 ferred to Federal agencies and departments in amounts
2 determined by the Director of the Office of National Drug
3 Control Policy (“the Director”), of which up to
4 \$2,700,000 may be used for auditing services and associ-
5 ated activities (including up to \$500,000 to ensure the
6 continued operation and maintenance of the Performance
7 Management System): *Provided further*, That, notwith-
8 standing the requirements of Public Law 106–58, any un-
9 expended funds obligated prior to fiscal year 2009 may
10 be used for any other approved activities of that High In-
11 tensity Drug Trafficking Area, subject to reprogramming
12 requirements: *Provided further*, That each High Intensity
13 Drug Trafficking Area designated as of September 30,
14 2010, shall be funded at not less than the fiscal year 2010
15 base level, unless the Director submits to the Committees
16 on Appropriations justification for changes to those levels
17 based on clearly articulated priorities and published Office
18 of National Drug Control Policy performance measures of
19 effectiveness: *Provided further*, That the Director shall no-
20 tify the Committees on Appropriations of the initial alloca-
21 tion of fiscal year 2011 funding among HIDTAs not later
22 than 45 days after enactment of this Act, and shall notify
23 the Committees of planned uses of discretionary HIDTA
24 funding, as determined in consultation with the HIDTA

1 Directors, not later than 90 days after enactment of this
2 Act.

3 OTHER FEDERAL DRUG CONTROL PROGRAMS

4 (INCLUDING TRANSFERS OF FUNDS)

5 For other drug control activities authorized by the
6 Office of National Drug Control Policy Reauthorization
7 Act of 2006 (Public Law 109–469), \$150,825,000, to re-
8 main available until expended, which shall be available as
9 follows: \$40,000,000 to support a national media cam-
10 paign; \$96,000,000 for the Drug-Free Communities Pro-
11 gram, of which \$2,000,000 shall be made available as di-
12 rected by section 4 of Public Law 107–82, as amended
13 by Public Law 109–469 (21 U.S.C. 1521 note);
14 \$1,500,000 for the National Drug Court Institute;
15 \$10,000,000 for the United States Anti-Doping Agency
16 for anti-doping activities; \$1,900,000 for the United
17 States membership dues to the World Anti-Doping Agen-
18 cy; \$1,187,500 for the National Alliance for Model State
19 Drug Laws; and \$237,500 for evaluations and research
20 related to National Drug Control Program performance
21 measures, which may be transferred to other Federal de-
22 partments and agencies to carry out such activities.

23 UNANTICIPATED NEEDS

24 For expenses necessary to enable the President to
25 meet unanticipated needs, in furtherance of the national

1 interest, security, or defense which may arise at home or
2 abroad during the current fiscal year, as authorized by
3 3 U.S.C. 108, \$1,000,000, to remain available until Sep-
4 tember 30, 2012.

5 INTEGRATED, EFFICIENT AND EFFECTIVE USES OF
6 INFORMATION TECHNOLOGY
7 (INCLUDING TRANSFER OF FUNDS)

8 For necessary expenses for the furtherance of inte-
9 grated, efficient, and effective uses of information tech-
10 nology in the Federal Government, including the develop-
11 ment and operation of government-wide shared informa-
12 tion technology services, the implementation of consoli-
13 dated, resource-saving and energy-efficient platforms, and
14 the development and operation of information technology
15 security services and the provision of architectural exper-
16 tise to promote inter-agency interoperability, \$37,500,000,
17 to remain available until September 30, 2013: *Provided*,
18 That the Director of the Office of Management and Budg-
19 et (OMB) may transfer these funds to one or more Fed-
20 eral agencies to carry out projects to meet these purposes:
21 *Provided further*, That such transfers may only be made
22 following written approval of the Committees on Appro-
23 priations: *Provided further*, That the Director of OMB
24 shall submit a progress report to the Committees on Ap-
25 propriations not later than March 31, 2011 and semiannu-

1 ally thereafter until the program is completed, including
2 detailed information on goals, objectives, performance
3 measures, and evaluations of the program in general and
4 of each specific project funded pursuant to this initiative.

5 SPECIAL ASSISTANCE TO THE PRESIDENT

6 SALARIES AND EXPENSES

7 For necessary expenses to enable the Vice President
8 to provide assistance to the President in connection with
9 specially assigned functions; services as authorized by 5
10 U.S.C. 3109 and 3 U.S.C. 106, including subsistence ex-
11 penses as authorized by 3 U.S.C. 106, which shall be ex-
12 pended and accounted for as provided in that section; and
13 hire of passenger motor vehicles, \$4,657,000.

14 OFFICIAL RESIDENCE OF THE VICE PRESIDENT

15 OPERATING EXPENSES

16 (INCLUDING TRANSFER OF FUNDS)

17 For the care, operation, refurnishing, improvement,
18 and to the extent not otherwise provided for, heating and
19 lighting, including electric power and fixtures, of the offi-
20 cial residence of the Vice President; the hire of passenger
21 motor vehicles; and not to exceed \$90,000 for official en-
22 tertainment expenses of the Vice President, to be ac-
23 counted for solely on his certificate, \$335,000: *Provided*,
24 That advances or repayments or transfers from this ap-

1 appropriation may be made to any department or agency for
2 expenses of carrying out such activities.

3 ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF
4 THE PRESIDENT AND FUNDS APPROPRIATED TO
5 THE PRESIDENT
6 (INCLUDING TRANSFERS OF FUNDS)

7 SEC. 201. From funds made available in this Act
8 under the headings “The White House”, “Executive Resi-
9 dence at the White House”, “White House Repair and
10 Restoration”, “Council of Economic Advisers”, “National
11 Security Council and Homeland Security Council”, “Of-
12 fice of Administration”, “Special Assistance to the Presi-
13 dent”, and “Official Residence of the Vice President”, the
14 Director of the Office of Management and Budget (or
15 such other officer as the President may designate in writ-
16 ing), may, 15 days after giving notice to the Committees
17 on Appropriations, transfer not to exceed 10 percent of
18 any such appropriation to any other such appropriation,
19 to be merged with and available for the same time and
20 for the same purposes as the appropriation to which trans-
21 ferred: *Provided*, That the amount of an appropriation
22 shall not be increased by more than 50 percent by such
23 transfers: *Provided further*, That no amount shall be
24 transferred from “Special Assistance to the President” or

1 “Official Residence of the Vice President” without the ap-
2 proval of the Vice President.

3 SEC. 202. The Director of the Office of National
4 Drug Control Policy shall submit to the Committees on
5 Appropriations not later than 60 days after the date of
6 enactment of this Act, and prior to the initial obligation
7 of more than 20 percent of the funds appropriated in any
8 account under the heading “Office of National Drug Con-
9 trol Policy”, a detailed narrative and financial plan on the
10 proposed uses of all funds under the account by program,
11 project, and activity: *Provided*, That the reports required
12 by this section shall be updated and submitted to the Com-
13 mittees on Appropriations every 6 months and shall in-
14 clude information detailing how the estimates and assump-
15 tions contained in previous reports have changed: *Provided*
16 *further*, That any new projects and changes in funding of
17 ongoing projects shall be subject to the prior approval of
18 the Committees on Appropriations.

19 SEC. 203. Not to exceed 2 percent of any appropria-
20 tions in this Act made available to the Office of National
21 Drug Control Policy may be transferred between appro-
22 priated programs upon the advance approval of the Com-
23 mittees on Appropriations: *Provided*, That no transfer
24 may increase or decrease any such appropriation by more
25 than 3 percent.

1 posed upon the Architect by 40 U.S.C. 6111 and 6112,
2 \$14,788,000, to remain available until expended, of which
3 \$5,000,000 may not be obligated or expended until the
4 Committee on Appropriations receives a detailed capital
5 improvements report as required by Senate Report 111–
6 238, filed on July 29, 2010.

7 UNITED STATES COURT OF APPEALS FOR THE FEDERAL
8 CIRCUIT

9 SALARIES AND EXPENSES

10 For salaries of the chief judge, judges, and other offi-
11 cers and employees, and for necessary expenses of the
12 court, as authorized by law, \$34,273,000.

13 UNITED STATES COURT OF INTERNATIONAL TRADE

14 SALARIES AND EXPENSES

15 For salaries of the chief judge and eight judges, sala-
16 ries of the officers and employees of the court, services,
17 and necessary expenses of the court, as authorized by law,
18 \$22,251,000.

19 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER

20 JUDICIAL SERVICES

21 SALARIES AND EXPENSES

22 (INCLUDING TRANSFER OF FUNDS)

23 For the salaries of circuit and district judges (includ-
24 ing judges of the territorial courts of the United States),
25 justices and judges retired from office or from regular ac-

1 tive service, judges of the United States Court of Federal
2 Claims, bankruptcy judges, magistrate judges, and all
3 other officers and employees of the Federal Judiciary not
4 otherwise specifically provided for, and necessary expenses
5 of the courts, as authorized by law, \$5,177,568,000 (in-
6 cluding the purchase of firearms and ammunition); of
7 which not to exceed \$27,817,000 shall remain available
8 until expended for space alteration projects and for fur-
9 niture and furnishings related to new space alteration and
10 construction projects.

11 In addition, for expenses of the United States Court
12 of Federal Claims associated with processing cases under
13 the National Childhood Vaccine Injury Act of 1986 (Pub-
14 lic Law 99-660), not to exceed \$4,785,000, to be appro-
15 priated from the Vaccine Injury Compensation Trust
16 Fund.

17 DEFENDER SERVICES

18 For the operation of Federal Defender organizations;
19 the compensation and reimbursement of expenses of attor-
20 neys appointed to represent persons under 18 U.S.C.
21 3006A, and also under 18 U.S.C. 3599, in cases in which
22 a defendant is charged with a crime that may be punish-
23 able by death; the compensation and reimbursement of ex-
24 penses of persons furnishing investigative, expert, and
25 other services under 18 U.S.C. 3006A(e), and also under

1 18 U.S.C. 3599(f) and (g)(2), in cases in which a defend-
2 ant is charged with a crime that may be punishable by
3 death; the compensation (in accordance with the maxi-
4 mums under 18 U.S.C. 3006A) and reimbursement of ex-
5 penses of attorneys appointed to assist the court in crimi-
6 nal cases where the defendant has waived representation
7 by counsel; the compensation and reimbursement of travel
8 expenses of guardians ad litem, appointed under 18
9 U.S.C. 4100(b); acting on behalf of financially eligible
10 minor or incompetent offenders in connection with trans-
11 fers from the United States to foreign countries with
12 which the United States has a treaty for the execution
13 of penal sentences (18 U.S.C. 4109(b)); the compensation
14 and reimbursement of expenses of attorneys appointed to
15 represent jurors in civil actions for the protection of their
16 employment, as authorized by 28 U.S.C. 1875(d)(1); the
17 compensation and reimbursement of expenses of attorneys
18 appointed under 18 U.S.C. 983(b)(1) in connection with
19 certain judicial civil forfeiture proceedings; and for nec-
20 essary training and general administrative expenses,
21 \$1,050,458,000, to remain available until expended.

22 FEES OF JURORS AND COMMISSIONERS

23 For fees and expenses of jurors as authorized by 28
24 U.S.C. 1871 and 1876; compensation of jury commis-
25 sioners as authorized by 28 U.S.C. 1863; and compensa-

1 tion of commissioners appointed in condemnation cases
2 pursuant to rule 71.1(h) of the Federal Rules of Civil Pro-
3 cedure (28 U.S.C. Appendix Rule 71.1(h)), \$52,410,000,
4 to remain available until expended: *Provided*, That the
5 compensation of land commissioners shall not exceed the
6 daily equivalent of the highest rate payable under 5 U.S.C.
7 5332.

8 COURT SECURITY

9 (INCLUDING TRANSFERS OF FUNDS)

10 For necessary expenses, not otherwise provided for,
11 incident to the provision of protective guard services for
12 United States courthouses and other facilities housing
13 Federal court operations, and the procurement, installa-
14 tion, and maintenance of security systems and equipment
15 for United States courthouses and other facilities housing
16 Federal court operations, including building ingress-egress
17 control, inspection of mail and packages, directed security
18 patrols, perimeter security, basic security services provided
19 by the Federal Protective Service, and other similar activi-
20 ties as authorized by section 1010 of the Judicial Improve-
21 ment and Access to Justice Act (Public Law 100-702),
22 \$489,753,000, of which not to exceed \$15,000,000 shall
23 remain available until expended, to be expended directly
24 or transferred to the United States Marshals Service,
25 which shall be responsible for administering the Judicial

1 Facility Security Program consistent with standards or
2 guidelines agreed to by the Director of the Administrative
3 Office of the United States Courts and the Attorney Gen-
4 eral.

5 ADMINISTRATIVE OFFICE OF THE UNITED STATES

6 COURTS

7 SALARIES AND EXPENSES

8 For necessary expenses of the Administrative Office
9 of the United States Courts as authorized by law, includ-
10 ing travel as authorized by 31 U.S.C. 1345, hire of a pas-
11 senger motor vehicle as authorized by 31 U.S.C. 1343(b),
12 advertising and rent in the District of Columbia and else-
13 where, \$86,968,000, of which not to exceed \$8,500 is au-
14 thorized for official reception and representation expenses.

15 FEDERAL JUDICIAL CENTER

16 SALARIES AND EXPENSES

17 For necessary expenses of the Federal Judicial Cen-
18 ter, as authorized by Public Law 90-219, \$28,284,000;
19 of which \$1,800,000 shall remain available through Sep-
20 tember 30, 2012, to provide education and training to
21 Federal court personnel; and of which not to exceed
22 \$1,500 is authorized for official reception and representa-
23 tion expenses.

1 JUDICIAL RETIREMENT FUNDS

2 PAYMENT TO JUDICIARY TRUST FUNDS

3 For payment to the Judicial Officers' Retirement
4 Fund, as authorized by 28 U.S.C. 377(o), \$79,061,400;
5 to the Judicial Survivors' Annuities Fund, as authorized
6 by 28 U.S.C. 376(c), \$7,300,000; and to the United
7 States Court of Federal Claims Judges' Retirement Fund,
8 as authorized by 28 U.S.C. 178(l), \$4,000,000.

9 UNITED STATES SENTENCING COMMISSION

10 SALARIES AND EXPENSES

11 For the salaries and expenses necessary to carry out
12 the provisions of chapter 58 of title 28, U.S.C.,
13 \$17,595,000, of which not to exceed \$1,000 is authorized
14 for official reception and representation expenses.

15 ADMINISTRATIVE PROVISIONS—THE JUDICIARY

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 301. Appropriations and authorizations made in
18 this title which are available for salaries and expenses shall
19 be available for services as authorized by 5 U.S.C. 3109.

20 SEC. 302. Not to exceed 5 percent of any appropria-
21 tion made available for the current fiscal year for the Judi-
22 ciary in this Act may be transferred between such appro-
23 priations, but no such appropriation, except "Courts of
24 Appeals, District Courts, and Other Judicial Services, De-
25 fender Services" and "Courts of Appeals, District Courts,

1 and Other Judicial Services, Fees of Jurors and Commis-
2 sioners”, shall be increased by more than 10 percent by
3 any such transfers: *Provided*, That any transfer pursuant
4 to this section shall be treated as a reprogramming of
5 funds under sections 604 and 608 of this Act and shall
6 not be available for obligation or expenditure except in
7 compliance with the procedures set forth in section 608.

8 SEC. 303. Notwithstanding any other provision of
9 law, the salaries and expenses appropriation for “Courts
10 of Appeals, District Courts, and Other Judicial Services”
11 shall be available for official reception and representation
12 expenses of the Judicial Conference of the United States:
13 *Provided*, That such available funds shall not exceed
14 \$11,000 and shall be administered by the Director of the
15 Administrative Office of the United States Courts in the
16 capacity as Secretary of the Judicial Conference.

17 SEC. 304. Within 90 days after the date of the enact-
18 ment of this Act, the Administrative Office of the U.S.
19 Courts shall submit to the Committees on Appropriations
20 a comprehensive financial plan for the Judiciary allocating
21 all sources of available funds including appropriations, fee
22 collections, and carryover balances, to include a separate
23 and detailed plan for the Judiciary Information Tech-
24 nology Fund, which will establish the baseline for applica-

1 tion of reprogramming and transfer authorities for the
2 current fiscal year.

3 SEC. 305. Section 3314(a) of title 40, United States
4 Code, shall be applied by substituting “Federal” for “exec-
5 utive” each place it appears.

6 SEC. 306. In accordance with 28 U.S.C. 561–569,
7 and notwithstanding any other provision of law, the
8 United States Marshals Service shall provide, for such
9 courthouses as its Director may designate in consultation
10 with the Director of the Administrative Office of the
11 United States Courts, for purposes of a pilot program, the
12 security services that 40 U.S.C. 1315 authorizes the De-
13 partment of Homeland Security to provide, except for the
14 services specified in 40 U.S.C. 1315(b)(2)(E). For build-
15 ing-specific security services at these courthouses, the Di-
16 rector of the Administrative Office of the United States
17 Courts shall reimburse the United States Marshals Service
18 rather than the Department of Homeland Security.

19 SEC. 307. Section 203(c) of the Judicial Improve-
20 ments Act of 1990 (Public Law 101–650; 28 U.S.C. 133
21 note), is amended—

22 (1) in the third sentence (relating to the Dis-
23 trict of Kansas), by striking “19 years” and insert-
24 ing “20 years, plus any additional periods of time in

1 which funding for the judiciary in fiscal year 2012
2 is provided by continuing resolutions”;

3 (2) in the sixth sentence (relating to the North-
4 ern District of Ohio), by striking “19 years” and in-
5 serting “20 years, plus any additional periods of
6 time in which funding for the judiciary in fiscal year
7 2012 is provided by continuing resolutions”; and

8 (3) in the seventh sentence (relating to the Dis-
9 trict of Hawaii), by striking “16 years” and insert-
10 ing “17 years, plus any additional periods of time in
11 which funding for the judiciary in fiscal year 2012
12 is provided by continuing resolutions”.

13 This title may be cited as the “Judiciary Appropria-
14 tions Act, 2011”.

15 TITLE IV

16 DISTRICT OF COLUMBIA

17 FEDERAL FUNDS

18 FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

19 For a Federal payment to the District of Columbia,
20 to be deposited into a dedicated account, for a nationwide
21 program to be administered by the Mayor, for District of
22 Columbia resident tuition support, \$35,100,000, to remain
23 available until expended: *Provided*, That such funds, in-
24 cluding any interest accrued thereon, may be used on be-
25 half of eligible District of Columbia residents to pay an

1 amount based upon the difference between in-State and
2 out-of-State tuition at public institutions of higher edu-
3 cation, or to pay up to \$2,500 each year at eligible private
4 institutions of higher education: *Provided further*, That the
5 awarding of such funds may be prioritized on the basis
6 of a resident's academic merit, the income and need of
7 eligible students and such other factors as may be author-
8 ized: *Provided further*, That the District of Columbia gov-
9 ernment shall maintain a dedicated account for the Resi-
10 dent Tuition Support Program that shall consist of the
11 Federal funds appropriated to the Program in this Act
12 and any subsequent appropriations, any unobligated bal-
13 ances from prior fiscal years, and any interest earned in
14 this or any fiscal year: *Provided further*, That the account
15 shall be under the control of the District of Columbia
16 Chief Financial Officer, who shall use those funds solely
17 for the purposes of carrying out the Resident Tuition Sup-
18 port Program: *Provided further*, That the Office of the
19 Chief Financial Officer shall provide a quarterly financial
20 report to the Committees on Appropriations for these
21 funds showing, by object class, the expenditures made and
22 the purpose therefor.

1 FEDERAL PAYMENT FOR EMERGENCY PLANNING AND
2 SECURITY COSTS IN THE DISTRICT OF COLUMBIA

3 For a Federal payment of necessary expenses, as de-
4 termined by the Mayor of the District of Columbia in writ-
5 ten consultation with the elected county or city officials
6 of surrounding jurisdictions, \$15,000,000, to remain
7 available until expended and in addition any funds that
8 remain available from prior year appropriations under this
9 heading for the District of Columbia Government, for the
10 costs of providing public safety at events related to the
11 presence of the national capital in the District of Colum-
12 bia, including support requested by the Director of the
13 United States Secret Service Division in carrying out pro-
14 tective duties under the direction of the Secretary of
15 Homeland Security, and for the costs of providing support
16 to respond to immediate and specific terrorist threats or
17 attacks in the District of Columbia or surrounding juris-
18 dictions.

19 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA
20 COURTS

21 For salaries and expenses for the District of Colum-
22 bia Courts, \$258,168,000 to be allocated as follows: for
23 the District of Columbia Court of Appeals, \$12,998,000,
24 of which not to exceed \$2,500 is for official reception and
25 representation expenses; for the District of Columbia Su-

1 perior Court, \$110,149,000, of which not to exceed \$2,500
2 is for official reception and representation expenses; for
3 the District of Columbia Court System, \$65,371,000, of
4 which not to exceed \$2,500 is for official reception and
5 representation expenses; and \$69,650,000, to remain
6 available until September 30, 2012, for capital improve-
7 ments for District of Columbia courthouse facilities, in-
8 cluding structural improvements to the District of Colum-
9 bia cell block at the Moultrie Courthouse, of which
10 \$13,670,000 is for renovation of courtrooms and chambers
11 in the Moultrie Courthouse: *Provided*, That funds made
12 available for capital improvements shall be expended con-
13 sistent with the General Services Administration (GSA)
14 master plan study and building evaluation report: *Pro-*
15 *vided further*, That notwithstanding any other provision
16 of law, all amounts under this heading shall be appor-
17 tioned quarterly by the Office of Management and Budget
18 and obligated and expended in the same manner as funds
19 appropriated for salaries and expenses of other Federal
20 agencies, with payroll and financial services to be provided
21 on a contractual basis with the GSA, and such services
22 shall include the preparation of monthly financial reports,
23 copies of which shall be submitted directly by GSA to the
24 President and to the Committees on Appropriations, the
25 House Committee on Oversight and Government Reform,

1 and the Senate Committee on Homeland Security and
2 Governmental Affairs: *Provided further*, That upon prior
3 approval of the Committees on Appropriations, the Dis-
4 trict of Columbia Courts may reallocate not more than 10
5 percent of the funds provided under this heading among
6 the items and entities funded under this heading for oper-
7 ations but no such allocation shall be increased by more
8 than 10 percent.

9 FEDERAL PAYMENT FOR DEFENDER SERVICES IN
10 DISTRICT OF COLUMBIA COURTS

11 For payments authorized under section 11–2604 and
12 section 11–2605, D.C. Official Code (relating to represen-
13 tation provided under the District of Columbia Criminal
14 Justice Act), payments for counsel appointed in pro-
15 ceedings in the Family Court of the Superior Court of the
16 District of Columbia under chapter 23 of title 16, D.C.
17 Official Code, or pursuant to contractual agreements to
18 provide guardian ad litem representation, training, tech-
19 nical assistance, and such other services as are necessary
20 to improve the quality of guardian ad litem representation,
21 payments for counsel appointed in adoption proceedings
22 under chapter 3 of title 16, D.C. Official Code, and pay-
23 ments for counsel authorized under section 21–2060, D.C.
24 Official Code (relating to representation provided under
25 the District of Columbia Guardianship, Protective Pro-

1 ceedings, and Durable Power of Attorney Act of 1986),
2 \$55,000,000, to remain available until expended: *Pro-*
3 *vided*, That funds provided under this heading shall be ad-
4 ministered by the Joint Committee on Judicial Adminis-
5 tration in the District of Columbia: *Provided further*, That
6 notwithstanding any other provision of law, this appro-
7 priation shall be apportioned quarterly by the Office of
8 Management and Budget and obligated and expended in
9 the same manner as funds appropriated for expenses of
10 other Federal agencies, with payroll and financial services
11 to be provided on a contractual basis with the General
12 Services Administration (GSA), and such services shall in-
13 clude the preparation of monthly financial reports, copies
14 of which shall be submitted directly by GSA to the Presi-
15 dent and to the Committees on Appropriations, the House
16 Committee on Oversight and Government Reform, and the
17 Senate Committee on Homeland Security and Govern-
18 mental Affairs.

19 FEDERAL PAYMENT TO THE COURT SERVICES AND OF-
20 FENDER SUPERVISION AGENCY FOR THE DISTRICT
21 OF COLUMBIA

22 For salaries and expenses, including the transfer and
23 hire of motor vehicles, of the Court Services and Offender
24 Supervision Agency for the District of Columbia, as au-
25 thorized by the National Capital Revitalization and Self-

1 Government Improvement Act of 1997, \$217,783,000, of
2 which not to exceed \$2,000 is for official reception and
3 representation expenses related to Community Supervision
4 and Pretrial Services Agency programs; of which not to
5 exceed \$25,000 is for dues and assessments relating to
6 the implementation of the Court Services and Offender
7 Supervision Agency Interstate Supervision Act of 2002;
8 of which \$1,000,000 shall remain available until Sep-
9 tember 30, 2013 for relocation of the Pretrial Services
10 Agency drug testing laboratory; of which \$156,472,000
11 shall be for necessary expenses of Community Supervision
12 and Sex Offender Registration, to include expenses relat-
13 ing to the supervision of adults subject to protection or-
14 ders or the provision of services for or related to such per-
15 sons; of which \$61,311,000 shall be available to the Pre-
16 trial Services Agency: *Provided*, That notwithstanding any
17 other provision of law, all amounts under this heading
18 shall be apportioned quarterly by the Office of Manage-
19 ment and Budget and obligated and expended in the same
20 manner as funds appropriated for salaries and expenses
21 of other Federal agencies: *Provided further*, That not less
22 than \$1,500,000 shall be available for re-entrant housing
23 in the District of Columbia: *Provided further*, That the Di-
24 rector is authorized to accept and use gifts in the form
25 of in-kind contributions of space and hospitality to support

1 offender and defendant programs, and equipment and vo-
2 cational training services to educate and train offenders
3 and defendants: *Provided further*, That the Director shall
4 keep accurate and detailed records of the acceptance and
5 use of any gift or donation under the previous proviso,
6 and shall make such records available for audit and public
7 inspection: *Provided further*, That the Court Services and
8 Offender Supervision Agency Director is authorized to ac-
9 cept and use reimbursement from the District of Columbia
10 Government for space and services provided on a cost re-
11 imburseable basis.

12 FEDERAL PAYMENT TO THE PUBLIC DEFENDER SERVICE
13 FOR THE DISTRICT OF COLUMBIA

14 For salaries and expenses, including the transfer and
15 hire of motor vehicles, of the District of Columbia Public
16 Defender Service, as authorized by the National Capital
17 Revitalization and Self-Government Improvement Act of
18 1997, \$40,690,000: *Provided*, That notwithstanding any
19 other provision of law, all amounts under this heading
20 shall be apportioned quarterly by the Office of Manage-
21 ment and Budget and obligated and expended in the same
22 manner as funds appropriated for salaries and expenses
23 of Federal agencies.

1 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

2 WATER AND SEWER AUTHORITY

3 For a Federal payment to the District of Columbia
4 Water and Sewer Authority, \$25,000,000, to remain avail-
5 able until expended, to continue implementation of the
6 Combined Sewer Overflow Long-Term Plan: *Provided*,
7 That the District of Columbia Water and Sewer Authority
8 provides a 100 percent match for this payment.

9 FEDERAL PAYMENT TO THE CRIMINAL JUSTICE

10 COORDINATING COUNCIL

11 For a Federal payment to the Criminal Justice Co-
12 ordinating Council, \$1,800,000, to remain available until
13 expended, to support initiatives related to the coordination
14 of Federal and local criminal justice resources in the Dis-
15 trict of Columbia.

16 FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

17 For a Federal payment, to remain available until
18 September 30, 2012, to the Commission on Judicial Dis-
19 abilities and Tenure, \$295,000, and for the Judicial Nomi-
20 nation Commission, \$205,000.

21 FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF

22 FINANCIAL OFFICER FOR THE DISTRICT OF COLUMBIA

23 For a Federal payment to the Office of the Chief Fi-
24 nancial Officer for the District of Columbia, \$1,475,000,
25 in the amounts and for the projects specified in the table

1 that appears under the heading “Federal Payment to the
2 Office of the Chief Financial Officer for the District of
3 Columbia” in the explanatory statement described in sec-
4 tion 4: *Provided*, That each entity that receives funding
5 under this heading shall submit to the Office of the Chief
6 Financial Officer for the District of Columbia (CFO), not
7 later than 60 days after enactment of this Act, a detailed
8 budget and comprehensive description of the activities to
9 be carried out with such funds, and the CFO shall submit
10 a comprehensive report to the Committees on Appropria-
11 tions not later than June 1, 2011.

12 FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

13 For a Federal payment for a school improvement pro-
14 gram in the District of Columbia, \$72,400,000, to be allo-
15 cated as follows: for the District of Columbia Public
16 Schools, \$43,000,000 to improve public school education
17 in the District of Columbia; for the State Education Of-
18 fice, \$20,000,000 to expand quality public charter schools
19 in the District of Columbia, to remain available until ex-
20 pended; for the Secretary of the Department of Education,
21 \$9,400,000 to provide opportunity scholarships for stu-
22 dents in the District of Columbia in accordance with title
23 III of division C of the District of Columbia Appropria-
24 tions Act, 2004 (Public Law 108–199; 118 Stat. 126),
25 to remain available until expended, of which up to

1 \$1,000,000 may be used to administer and fund assess-
2 ments: *Provided*, That notwithstanding the second proviso
3 under this heading in Public Law 111–8, funds provided
4 herein may only be used to provide opportunity scholar-
5 ships to students who received scholarships in the 2010–
6 2011 school year: *Provided further*, That funds available
7 under this heading for opportunity scholarships, including
8 from prior-year appropriations Acts, may be made avail-
9 able only for scholarships to students who received schol-
10 arships in the 2010–2011 school year: *Provided further*,
11 That none of the funds provided in this Act or any other
12 Act for opportunity scholarships may be used by an eligi-
13 ble student to enroll in a participating school under the
14 DC School Choice Incentive Act of 2003 unless (1) the
15 participating school has and maintains a valid certificate
16 of occupancy issued by the District of Columbia; (2) the
17 core subject matter teachers of the eligible student hold
18 4-year bachelor’s degrees; and (3) the participating school
19 is in compliance with the accreditation and other stand-
20 ards prescribed under the District of Columbia compulsory
21 school attendance laws that apply to educational institu-
22 tions not affiliated with the District of Columbia Public
23 Schools: *Provided further*, That the Secretary of Education
24 shall ensure that site inspections of participating schools
25 are conducted at least twice annually.

1 FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA

2 NATIONAL GUARD

3 For a Federal payment to the District of Columbia
4 National Guard, \$1,375,000, to remain available until ex-
5 pended for the District of Columbia National Guard, of
6 which \$375,000 shall be available for the “Major General
7 David F. Wherley, Jr. District of Columbia National
8 Guard Retention and College Access Program”.

9 FEDERAL PAYMENT FOR HOUSING FOR THE HOMELESS

10 For a Federal payment to the District of Columbia,
11 \$10,000,000, to remain available until September 30,
12 2012, to support permanent supportive housing programs
13 in the District.

14 FEDERAL PAYMENT FOR REDEVELOPMENT OF THE ST.

15 ELIZABETHS HOSPITAL CAMPUS

16 For a Federal payment to the District of Columbia,
17 \$2,000,000, to remain available until September 30, 2012,
18 for planning activities to support redevelopment efforts at
19 the site of the former St. Elizabeths Hospital in the Dis-
20 trict of Columbia.

21 FEDERAL PAYMENT FOR HIV/AIDS PREVENTION

22 For a Federal payment to the District of Columbia,
23 \$5,000,000, to remain available until September 30, 2012,
24 to support initiatives designed to reduce the incidence of

1 human immunodeficiency virus and acquired immuno-
2 deficiency syndrome in the District of Columbia.

3 DISTRICT OF COLUMBIA FUNDS

4 The following amounts are appropriated for the Dis-
5 trict of Columbia for the current fiscal year out of the
6 General Fund of the District of Columbia (“General
7 Fund”), except as otherwise specifically provided: *Pro-*
8 *vided*, That notwithstanding any other provision of law,
9 except as provided in section 450A of the District of Co-
10 lumbia Home Rule Act, (114 Stat. 2440; D.C. Official
11 Code, section 1–204.50a) and provisions of the Fiscal
12 Year 2011 Budget Request Act, the total amount appro-
13 priated in this Act for operating expenses for the District
14 of Columbia for fiscal year 2011 under this heading shall
15 not exceed the lesser of the sum of the total revenues of
16 the District of Columbia for such fiscal year or
17 \$10,440,946,000 (of which \$5,790,842,000 shall be from
18 local funds, (including \$402,685,000 from dedicated
19 taxes), \$2,611,497,000 shall be from Federal grant funds,
20 \$2,031,730,000 shall be from other funds, and \$6,877,000
21 shall be from private funds); in addition, \$169,650,000
22 from funds previously appropriated in this Act as Federal
23 payments, which does not include funds appropriated
24 under the American Recovery and Reinvestment Act of
25 2009: *Provided further*, That of the local funds, such

1 amounts as may be necessary may be derived from the
2 District's General Fund balance: *Provided further*, That
3 of these funds the District's intradistrict authority shall
4 be \$567,683,000: in addition for capital construction
5 projects, an increase of \$1,390,591,000, of which
6 \$1,121,261,000 shall be from local funds, \$46,350,000
7 from the District of Columbia Highway Trust fund,
8 \$32,523,000 from the Local Street Maintenance fund,
9 \$190,457,000 from Federal grant funds, and a rescission
10 of \$741,735,000 from local funds and a rescission of
11 \$145,874,000 from Local Street Maintenance funds ap-
12 propriated under this heading in prior fiscal years for a
13 net amount of \$502,983,000, to remain available until ex-
14 pended: *Provided further*, That the amounts provided
15 under this heading are to be available, allocated and ex-
16 pended as proposed under title III of the Fiscal Year 2011
17 Budget Request Act of 2010 at the rate set forth under
18 "District of Columbia Funds Division of Expenses" of the
19 Fiscal Year 2011 Proposed Budget and Financial Plan
20 submitted to the Congress of the United States by the Dis-
21 trict of Columbia: *Provided further*, That this amount may
22 be increased by proceeds of one-time transactions, which
23 are expended for emergency or unanticipated operating or
24 capital needs: *Provided further*, That such increases shall
25 be approved by enactment of local District law and shall

1 CHRISTOPHER COLUMBUS FELLOWSHIP FOUNDATION
2 SALARIES AND EXPENSES

3 For payment to the Christopher Columbus Fellow-
4 ship Foundation, established by section 423 of Public Law
5 102–281, \$750,000, to remain available until expended.

6 COMMODITY FUTURES TRADING COMMISSION

7 For necessary expenses to carry out the provisions
8 of the Commodity Exchange Act (7 U.S.C. 1 et seq.), in-
9 cluding the purchase and hire of passenger motor vehicles,
10 and the rental of space (to include multiple year leases)
11 in the District of Columbia and elsewhere, \$286,000,000,
12 to remain available until September 30, 2012, including
13 not to exceed \$3,000 for official reception and representa-
14 tion expenses, and not to exceed \$25,000 for the expenses
15 for consultations and meetings hosted by the Commission
16 with foreign governmental and other regulatory officials.

17 CONSUMER PRODUCT SAFETY COMMISSION

18 SALARIES AND EXPENSES

19 (INCLUDING RESCISSION)

20 For necessary expenses of the Consumer Product
21 Safety Commission, including hire of passenger motor ve-
22 hicles, services as authorized by 5 U.S.C. 3109, but at
23 rates for individuals not to exceed the per diem rate equiv-
24 alent to the maximum rate payable under 5 U.S.C. 5376,
25 purchase of nominal awards to recognize non-Federal offi-

1 cials' contributions to Commission activities, and not to
2 exceed \$2,000 for official reception and representation ex-
3 penses, \$120,600,000, of which \$2,000,000 shall remain
4 available until September 30, 2012, for the grant program
5 under section 1405 of the Virginia Graeme Baker Pool
6 and Spa Safety Act (Public Law 110-140; 15 U.S.C.
7 8004): *Provided*, That of the amount made available under
8 this heading for such program in title V of division C of
9 Public Law 111-117, \$2,000,000 are rescinded.

10 ELECTION ASSISTANCE COMMISSION

11 SALARIES AND EXPENSES

12 (INCLUDING TRANSFER OF FUNDS)

13 For necessary expenses to carry out the Help Amer-
14 ica Vote Act of 2002 (Public Law 107-252), \$17,100,000,
15 of which \$3,250,000 shall be transferred to the National
16 Institute of Standards and Technology for election reform
17 activities authorized under the Help America Vote Act of
18 2002: *Provided*, That \$750,000 shall be for the Help
19 America Vote College Program as authorized by the Help
20 America Vote Act of 2002: *Provided further*, That
21 \$300,000 shall be for a competitive grant program to sup-
22 port community involvement in student and parent mock
23 elections.

1 ELECTION REFORM PROGRAMS

2 For purposes of determining the eligibility of a State
3 to receive a requirements payment under part 1 of subtitle
4 D of title II of the Help America Vote Act of 2002 (42
5 U.S.C. 15401 et seq.) for fiscal year 2011, any unobli-
6 gated amount in the election fund of the State under sec-
7 tion 254(b) of such Act which is attributable to interest
8 earned on amounts appropriated to the fund by the State
9 may, at the option of the State, be included under section
10 253(b)(5) of such Act.

11 FEDERAL COMMUNICATIONS COMMISSION

12 SALARIES AND EXPENSES

13 For necessary expenses of the Federal Communica-
14 tions Commission, as authorized by law, including uni-
15 forms and allowances therefor, as authorized by 5 U.S.C.
16 5901–5902; not to exceed \$4,000 for official reception and
17 representation expenses; purchase and hire of motor vehi-
18 cles; special counsel fees; and services as authorized by
19 5 U.S.C. 3109, \$355,500,000: *Provided*, That
20 \$355,500,000 of offsetting collections shall be assessed
21 and collected pursuant to section 9 of title I of the Com-
22 munications Act of 1934, shall be retained and used for
23 necessary expenses in this appropriation, and shall remain
24 available until expended: *Provided further*, That the sum
25 herein appropriated shall be reduced as such offsetting

1 collections are received during fiscal year 2011 so as to
2 result in a final fiscal year 2011 appropriation estimated
3 at \$0: *Provided further*, That any offsetting collections re-
4 ceived in excess of \$355,500,000 in fiscal year 2011 shall
5 not be available for obligation: *Provided further*, That re-
6 maining offsetting collections from prior years collected in
7 excess of the amount specified for collection in each such
8 year and otherwise becoming available on October 1, 2010,
9 shall not be available for obligation: *Provided further*, That
10 notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from
11 the use of a competitive bidding system that may be re-
12 tained and made available for obligation shall not exceed
13 \$85,000,000 for fiscal year 2011: *Provided further*, That
14 of the amount appropriated under this heading, not less
15 than \$9,345,217 shall be for the salaries and expenses of
16 the Office of Inspector General.

17 ADMINISTRATIVE PROVISIONS—FEDERAL

18 COMMUNICATIONS COMMISSION

19 SEC. 501. Section 302 of the Universal Service
20 Antideficiency Temporary Suspension Act is amended by
21 striking “December 31, 2010”, each place it appears and
22 inserting “December 31, 2011”.

23 SEC. 502. None of the funds appropriated by this Act
24 may be used by the Federal Communications Commission
25 to modify, amend, or change its rules or regulations for

1 universal service support payments to implement the Feb-
2 ruary 27, 2004 recommendations of the Federal-State
3 Joint Board on Universal Service regarding single connec-
4 tion or primary line restrictions on universal service sup-
5 port payments.

6 FEDERAL DEPOSIT INSURANCE CORPORATION

7 OFFICE OF THE INSPECTOR GENERAL

8 For necessary expenses of the Office of Inspector
9 General in carrying out the provisions of the Inspector
10 General Act of 1978, \$47,916,000, to be derived from the
11 Deposit Insurance Fund or, only when appropriate, the
12 FSLIC Resolution Fund.

13 FEDERAL ELECTION COMMISSION

14 SALARIES AND EXPENSES

15 For necessary expenses to carry out the provisions
16 of the Federal Election Campaign Act of 1971,
17 \$69,800,000, of which not to exceed \$5,000 shall be avail-
18 able for reception and representation expenses.

19 FEDERAL LABOR RELATIONS AUTHORITY

20 SALARIES AND EXPENSES

21 For necessary expenses to carry out functions of the
22 Federal Labor Relations Authority, pursuant to Reorga-
23 nization Plan Numbered 2 of 1978, and the Civil Service
24 Reform Act of 1978, including services authorized by 5
25 U.S.C. 3109, and including hire of experts and consult-

1 ants, hire of passenger motor vehicles, and including offi-
2 cial reception and representation expenses (not to exceed
3 \$1,500) and rental of conference rooms in the District of
4 Columbia and elsewhere, \$26,000,000: *Provided*, That
5 public members of the Federal Service Impasses Panel
6 may be paid travel expenses and per diem in lieu of sub-
7 sistence as authorized by law (5 U.S.C. 5703) for persons
8 employed intermittently in the Government service, and
9 compensation as authorized by 5 U.S.C. 3109: *Provided*
10 *further*, That notwithstanding 31 U.S.C. 3302, funds re-
11 ceived from fees charged to non-Federal participants at
12 labor-management relations conferences shall be credited
13 to and merged with this account, to be available without
14 further appropriation for the costs of carrying out these
15 conferences.

16 FEDERAL TRADE COMMISSION

17 SALARIES AND EXPENSES

18 For necessary expenses of the Federal Trade Com-
19 mission, including uniforms or allowances therefor, as au-
20 thorized by 5 U.S.C. 5901–5902; services as authorized
21 by 5 U.S.C. 3109; hire of passenger motor vehicles; and
22 not to exceed \$2,000 for official reception and representa-
23 tion expenses, \$316,500,000, to remain available until ex-
24 pended: *Provided*, That not to exceed \$300,000 shall be
25 available for use to contract with a person or persons for

1 collection services in accordance with the terms of 31
2 U.S.C. 3718: *Provided further*, That, notwithstanding any
3 other provision of law, not to exceed \$96,000,000 of off-
4 setting collections derived from fees collected for
5 premerger notification filings under the Hart-Scott-Ro-
6 dino Antitrust Improvements Act of 1976 (15 U.S.C.
7 18a), regardless of the year of collection, shall be retained
8 and used for necessary expenses in this appropriation:
9 *Provided further*, That, notwithstanding any other provi-
10 sion of law, not to exceed \$21,000,000 in offsetting collec-
11 tions derived from fees sufficient to implement and enforce
12 the Telemarketing Sales Rule, promulgated under the
13 Telemarketing and Consumer Fraud and Abuse Preven-
14 tion Act (15 U.S.C. 6101 et seq.), shall be credited to this
15 account, and be retained and used for necessary expenses
16 in this appropriation: *Provided further*, That the sum here-
17 in appropriated from the general fund shall be reduced
18 as such offsetting collections are received during fiscal
19 year 2011, so as to result in a final fiscal year 2011 appro-
20 priation from the general fund estimated at not more than
21 \$199,500,000: *Provided further*, That none of the funds
22 made available to the Federal Trade Commission may be
23 used to implement subsection (e)(2)(B) of section 43 of
24 the Federal Deposit Insurance Act (12 U.S.C. 1831t).

1 GENERAL SERVICES ADMINISTRATION

2 REAL PROPERTY ACTIVITIES

3 FEDERAL BUILDINGS FUND

4 LIMITATIONS ON AVAILABILITY OF REVENUE

5 Amounts in the Fund, including revenues and collec-
6 tions deposited into the Fund shall be available for nec-
7 essary expenses of real property management and related
8 activities not otherwise provided for, including operation,
9 maintenance, and protection of federally owned and leased
10 buildings; rental of buildings in the District of Columbia;
11 restoration of leased premises; moving governmental agen-
12 cies (including space adjustments and telecommunications
13 relocation expenses) in connection with the assignment, al-
14 location and transfer of space; contractual services inci-
15 dent to cleaning or servicing buildings, and moving; repair
16 and alteration of federally owned buildings including
17 grounds, approaches and appurtenances; care and safe-
18 guarding of sites; maintenance, preservation, demolition,
19 and equipment; acquisition of buildings and sites by pur-
20 chase, condemnation, or as otherwise authorized by law;
21 acquisition of options to purchase buildings and sites; con-
22 version and extension of federally owned buildings; pre-
23 liminary planning and design of projects by contract or
24 otherwise; construction of new buildings (including equip-
25 ment for such buildings); and payment of principal, inter-

1 est, and any other obligations for public buildings acquired
2 by installment purchase and purchase contract; in the ag-
3 gregate amount of \$8,666,570,000, of which: (1)
4 \$492,722,000 shall remain available until expended for
5 construction and acquisition (including funds for sites and
6 expenses and associated design and construction services)
7 of additional projects at the following locations:

8 New Construction:

9 Colorado:

10 Lakewood, Denver Federal Center Remedi-
11 ation, \$7,957,000.

12 District of Columbia:

13 Washington, St. Elizabeths DHS Consoli-
14 dation and Development, \$267,675,000.

15 Washington, St. Elizabeths Historic Pres-
16 ervation Mitigation, \$4,990,000.

17 Washington, St. Elizabeths Highway Inter-
18 change, \$8,350,000.

19 Maine:

20 Calais, Ferry Point Land Port of Entry,
21 \$1,552,000.

22 Maryland:

23 White Oak, Food and Drug Administration
24 Consolidation, \$173,773,000.

25 Michigan:

1 Detroit, P. V. McNamara Federal Building
2 FBI Garage, \$3,658,000.

3 West Virginia:

4 Martinsburg, IRS Annex, \$24,767,000:

5 *Provided*, That, for the new courthouse project in Salt
6 Lake City, Utah, for which funds have been appropriated
7 in Public Law 111–117 and other Acts, the total esti-
8 mated cost, exclusive of any permitted escalations, shall
9 not exceed \$185,700,000: *Provided further*, That each of
10 the foregoing limits of costs on new construction projects
11 may be exceeded to the extent that savings are effected
12 in other such projects, but not to exceed 10 percent of
13 the amounts included in an approved prospectus, if re-
14 quired, unless advance approval is obtained from the Com-
15 mittees on Appropriations of a greater amount: *Provided*
16 *further*, That all funds for direct construction projects
17 shall expire on September 30, 2012 and remain in the
18 Federal Buildings Fund except for funds for projects as
19 to which funds for design or other funds have been obli-
20 gated in whole or in part prior to such date: *Provided fur-*
21 *ther*, That for fiscal year 2012 and thereafter, the annual
22 budget submission to Congress for the General Services
23 Administration shall include a detailed 5-year plan for
24 Federal building construction projects with a yearly up-
25 date of total projected future funding needs: *Provided fur-*

1 *ther*, That for fiscal year 2012 and thereafter, the annual
2 budget submission to Congress for the General Services
3 Administration shall, in consultation with U.S. Customs
4 and Border Protection, include a detailed 5-year plan for
5 Federal land port-of-entry projects with a yearly update
6 of total projected future funding needs; (2) \$500,014,000
7 shall remain available until expended for repairs and alter-
8 ations, which includes associated design and construction
9 services:

10 Repairs and Alterations:

11 California:

12 Richmond, Frank Hagel Federal Building,
13 \$113,620,000.

14 Van Nuys, James C. Corman Federal
15 Building, \$11,039,000.

16 District of Columbia:

17 Washington, West Wing Design Phase II,
18 \$6,245,000.

19 Indiana:

20 Indianapolis, Major General Emmett J.
21 Bean Federal Center, \$65,813,000.

22 New York:

23 New York, Daniel Patrick Moynihan
24 United States Courthouse, \$28,000,000.

25 Special Emphasis Programs:

1 Energy and Water Retrofit and Conserva-
2 tion Measures, \$15,000,000.

3 Fire Prevention Program, \$10,000,000.

4 Wellness and Fitness Program,
5 \$3,500,000.

6 Judiciary Capital Security Program,
7 \$20,000,000.

8 Basic Repairs and Alterations,
9 \$226,797,000:

10 *Provided further*, That funds made available in this or any
11 previous Act in the Federal Buildings Fund for Repairs
12 and Alterations shall, for prospectus projects, be limited
13 to the amount identified for each project, except each
14 project in this or any previous Act may be increased by
15 an amount not to exceed 10 percent unless advance ap-
16 proval is obtained from the Committees on Appropriations
17 of a greater amount: *Provided further*, That additional
18 projects for which prospectuses have been fully approved
19 may be funded under this category only if advance ap-
20 proval is obtained from the Committees on Appropria-
21 tions: *Provided further*, That the amounts provided in this
22 or any prior Act for “Repairs and Alterations” may be
23 used to fund costs associated with implementing security
24 improvements to buildings necessary to meet the minimum
25 standards for security in accordance with current law and

1 in compliance with the reprogramming guidelines of the
2 appropriate Committees of the House and Senate: *Pro-*
3 *vided further*, That the difference between the funds ap-
4 propriated and expended on any projects in this or any
5 prior Act, under the heading “Repairs and Alterations”,
6 may be transferred to Basic Repairs and Alterations or
7 used to fund authorized increases in prospectus projects:
8 *Provided further*, That all funds for repairs and alterations
9 prospectus projects shall expire on September 30, 2012
10 and remain in the Federal Buildings Fund except funds
11 for projects as to which funds for design or other funds
12 have been obligated in whole or in part prior to such date:
13 *Provided further*, That the amount provided in this or any
14 prior Act for Basic Repairs and Alterations may be used
15 to pay claims against the Government arising from any
16 projects under the heading “Repairs and Alterations” or
17 used to fund authorized increases in prospectus projects;
18 (3) \$135,540,000 for installment acquisition payments in-
19 cluding payments on purchase contracts which shall re-
20 main available until expended; (4) \$5,216,946,000 for
21 rental of space which shall remain available until ex-
22 pended; and (5) \$2,321,348,000 for building operations
23 which shall remain available until expended: *Provided fur-*
24 *ther*, That funds available to the General Services Admin-
25 istration shall not be available for expenses of any con-

1 struction, repair, alteration and acquisition project for
2 which a prospectus, if required by 40 U.S.C. 3307(a), has
3 not been approved, except that necessary funds may be
4 expended for each project for required expenses for the
5 development of a proposed prospectus: *Provided further,*
6 That funds available in the Federal Buildings Fund may
7 be expended for emergency repairs when advance approval
8 is obtained from the Committees on Appropriations: *Pro-*
9 *vided further,* That amounts necessary to provide reim-
10 bursable special services to other agencies under 40 U.S.C.
11 592(b)(2) and amounts to provide such reimbursable fence-
12 ing, lighting, guard booths, and other facilities on private
13 or other property not in Government ownership or control
14 as may be appropriate to enable the United States Secret
15 Service to perform its protective functions pursuant to 18
16 U.S.C. 3056, shall be available from such revenues and
17 collections: *Provided further,* That revenues and collections
18 and any other sums accruing to this Fund during fiscal
19 year 2011, excluding reimbursements under 40 U.S.C.
20 592(b)(2) in excess of the aggregate new obligational au-
21 thority authorized for Real Property Activities of the Fed-
22 eral Buildings Fund in this Act shall remain in the Fund
23 and shall not be available for expenditure except as au-
24 thorized in appropriations Acts.

1 GENERAL ACTIVITIES

2 GOVERNMENT-WIDE POLICY

3 For expenses authorized by law, not otherwise pro-
4 vided for, for Government-wide policy and evaluation ac-
5 tivities associated with the management of real and per-
6 sonal property assets and certain administrative services;
7 Government-wide policy support responsibilities relating to
8 acquisition, telecommunications, information technology
9 management, and related technology activities; and serv-
10 ices as authorized by 5 U.S.C. 3109 and the Office of Fed-
11 eral High Performance Green Buildings; \$77,621,000.

12 OPERATING EXPENSES

13 For expenses authorized by law, not otherwise pro-
14 vided for, for Government-wide activities associated with
15 utilization and donation of surplus personal property; dis-
16 posal of real property; agency-wide policy direction, man-
17 agement, and communications; the Civilian Board of Con-
18 tract Appeals; services as authorized by 5 U.S.C. 3109;
19 and not to exceed \$7,500 for official reception and rep-
20 resentation expenses; \$72,203,000.

21 OFFICE OF INSPECTOR GENERAL

22 For necessary expenses of the Office of Inspector
23 General and service authorized by 5 U.S.C. 3109,
24 \$61,025,000: *Provided*, That not to exceed \$15,000 shall
25 be available for payment for information and detection of

1 fraud against the Government, including payment for re-
2 covery of stolen Government property: *Provided further*,
3 That not to exceed \$2,500 shall be available for awards
4 to employees of other Federal agencies and private citizens
5 in recognition of efforts and initiatives resulting in en-
6 hanced Office of Inspector General effectiveness.

7 ELECTRONIC GOVERNMENT FUND

8 (INCLUDING TRANSFER OF FUNDS)

9 For necessary expenses in support of interagency
10 projects that enable the Federal Government to expand
11 its ability to conduct activities electronically, through the
12 development and implementation of innovative uses of the
13 Internet and other electronic methods, \$20,000,000, to re-
14 main available until expended: *Provided*, That these funds
15 may be transferred to Federal agencies to carry out the
16 purpose of the Fund: *Provided further*, That this transfer
17 authority shall be in addition to any other transfer author-
18 ity provided in this Act: *Provided further*, That such trans-
19 fers may not be made until 15 days after a proposed
20 spending plan and explanation for each project to be un-
21 dertaken has been submitted to the Committees on Appro-
22 priations.

1 ALLOWANCES AND OFFICE STAFF FOR FORMER
2 PRESIDENTS

3 For carrying out the provisions of 3 U.S.C. 102 note
4 and Public Law 95–138, \$3,907,000.

5 FEDERAL ACQUISITION WORKFORCE INITIATIVES FUND
6 (INCLUDING TRANSFERS OF FUNDS)

7 For necessary expenses in support of government-
8 wide investments in the capacity and capabilities of the
9 acquisition workforce, \$10,000,000; of which \$4,000,000
10 shall be available for salaries, curriculum development,
11 competency management, certification management and
12 career management: *Provided*, That up to 25 percent of
13 the total amount appropriated herein may be transferred
14 among such appropriations: *Provided further*, That these
15 funds shall be administered by the Administrator of Gen-
16 eral Services, as approved by the Director of OMB: *Pro-*
17 *vided further*, That such funds may be transferred to Fed-
18 eral agencies, as approved by the Director of OMB, to
19 carry out the purposes provided herein: *Provided further*,
20 That this transfer authority is in addition to any other
21 transfer authority provided in this Act; and of which
22 \$6,000,000 shall be available to create and maintain the
23 contractor inventory database required by section 743 of
24 Public Law 111–117.

1 FEDERAL CITIZEN SERVICES FUND

2 For necessary expenses of the Office of Citizen Serv-
3 ices, including services authorized by 5 U.S.C. 3109,
4 \$36,825,000, to be deposited into the Federal Citizen
5 Services Fund: *Provided*, That the appropriations, reve-
6 nues, and collections deposited into the Fund shall be
7 available for necessary expenses of Federal Citizen Serv-
8 ices activities in the aggregate amount not to exceed
9 \$100,000,000. Appropriations, revenues, and collections
10 accruing to this Fund during fiscal year 2011 in excess
11 of such amount shall remain in the Fund and shall not
12 be available for expenditure except as authorized in appro-
13 priations Acts.

14 ADMINISTRATIVE PROVISIONS—GENERAL SERVICES

15 ADMINISTRATION

16 (INCLUDING TRANSFERS OF FUNDS)

17 SEC. 510. Funds available to the General Services
18 Administration (GSA) shall be available for the hire of
19 passenger motor vehicles.

20 SEC. 511. Funds in the Federal Buildings Fund
21 made available for fiscal year 2011 for Federal Buildings
22 Fund activities may be transferred between such activities
23 only to the extent necessary to meet program require-
24 ments: *Provided*, That any proposed transfers shall be ap-
25 proved in advance by the Committees on Appropriations.

1 SEC. 512. Except as otherwise provided in this title,
2 funds made available by this Act shall be used to transmit
3 a fiscal year 2012 request for United States Courthouse
4 construction only if the request: (1) meets the design guide
5 standards for construction as established and approved by
6 GSA, the Judicial Conference of the United States, and
7 OMB; (2) reflects the priorities of the Judicial Conference
8 of the United States as set out in its approved 5-year con-
9 struction plan; and (3) includes a standardized courtroom
10 utilization study of each facility to be constructed, re-
11 placed, or expanded.

12 SEC. 513. None of the funds provided in this Act may
13 be used to increase the amount of occupiable square feet,
14 provide cleaning services, security enhancements, or any
15 other service usually provided through the Federal Build-
16 ings Fund, to any agency that does not pay the rate per
17 square foot assessment for space and services as deter-
18 mined by the GSA in compliance with the Public Buildings
19 Amendments Act of 1972 (Public Law 92–313).

20 SEC. 514. From funds made available under the
21 heading “Federal Buildings Fund, Limitations on Avail-
22 ability of Revenue”, claims against the Government of less
23 than \$250,000 arising from direct construction projects
24 and acquisition of buildings may be liquidated from sav-

1 ings effected in other construction projects with prior noti-
2 fication to the Committees on Appropriations.

3 SEC. 515. In any case in which the House Committee
4 on Transportation and Infrastructure and the Senate
5 Committee on Environment and Public Works adopt a res-
6 olution granting lease authority pursuant to a prospectus
7 transmitted to Congress by the Administrator of GSA
8 under 40 U.S.C. 3307, the Administrator shall ensure that
9 the delineated area of procurement is identical to the de-
10 lineated area included in the prospectus for all lease agree-
11 ments, except that, if the Administrator determines that
12 the delineated area of the procurement should not be iden-
13 tical to the delineated area included in the prospectus, the
14 Administrator shall provide an explanatory statement to
15 each of such committees and the Committees on Appro-
16 priations prior to exercising any lease authority provided
17 in the resolution.

18 SEC. 516. In furtherance of the emergency manage-
19 ment policy set forth in the Robert T. Stafford Disaster
20 Relief and Emergency Assistance Act, the Administrator
21 of GSA may provide for the use of the GSA Federal supply
22 schedules by relief and disaster assistance organizations
23 as described in section 309 of that Act. Purchases under
24 this authority shall be limited to use in preparation for,

1 response to, and recovery from hazards as defined in sec-
2 tion 602 of that Act.

3 SEC. 517. Section 37 of the Office of Federal Pro-
4 curement Policy Act (41 U.S.C. 433), as amended, is fur-
5 ther amended in paragraph (h)(3)(E) by: (a) deleting “for
6 training”; and (b) deleting “subparagraph (A)” and in-
7 serting in lieu thereof “subparagraphs (A) and (C) to (J)
8 of section 405 (d)(5) of this title.”

9 SEC. 518. (a) The Administrator of General Services
10 (Administrator), through a deed of release or other appro-
11 priate instrument, may release to the city of Tracy, Cali-
12 fornia (the City) the reversionary interests retained by the
13 United States, and all other terms, conditions, reserva-
14 tions, and restrictions imposed, in connection with the con-
15 veyance of the 200 acres conveyed pursuant to Public Law
16 105–277 section 140, as amended by Public Law 106–
17 31 section 3034 and Public Law 108–199 section 411.
18 The exact acreage and legal description of the parcel to
19 be released under subsection (a) shall be determined by
20 a survey that is satisfactory to the Administrator.

21 (b) As consideration for such release authorized
22 under subsection (a), the City shall pay to the Adminis-
23 trator an amount not less than the property’s appraised
24 Fair Market Value as determined by the Administrator.
25 The determination of the Administrator is final. The Ad-

1 administrator shall determine the property's Fair Market
2 Value through an appraisal conducted by a licensed, inde-
3 pendent appraiser. The appraisal shall be based on the
4 property's highest and best use.

5 (c) As soon as practicable, but not more than 180
6 days after enactment of this Act, the City shall enter into
7 a binding agreement with the Administrator for the con-
8 veyance described in subsection (a) of this section. The
9 net proceeds from sale shall be deposited into the Federal
10 Buildings Fund established under section 592 of title 40,
11 U.S.C.

12 (d) The City shall be responsible for reimbursing the
13 Administrator for the costs associated with implementing
14 this section, including the costs of appraisal and survey.
15 The Administrator may require such additional terms and
16 conditions in connection with the release under subsection
17 (a) as the Administrator considers appropriate to protect
18 the interests of the United States.

19 SEC. 519. Funds made available to GSA in the Fed-
20 eral Buildings Fund shall remain available to fund author-
21 ized increases or costs arising from any projects identified
22 in the detailed plan submitted by GSA pursuant to Public
23 Law 111-5: *Provided*, That the Administrator of General
24 Services shall obtain the advance approval of the Commit-

1 tees on Appropriations for any project cost increase in an
2 amount greater than 10 percent.

3 SEC. 520. Of the amounts made available under the
4 heading “Policy and Operations” for the maintenance,
5 protection, and disposal of the U.S. Coast Guard Service
6 Center at Governor’s Island, NY, and the Lorton Correc-
7 tional Facility in Lorton, VA in prior years, whether ap-
8 propriated directly to GSA or to any other agency of the
9 Government and received by GSA for such purpose,
10 \$1,400,000 in unobligated balances are rescinded.

11 SEC. 521. (a) The Administrator of General Services,
12 not later than 120 days after the date of enactment of
13 this Act, shall prepare and submit to Congress a building
14 project survey report related to a consolidated head-
15 quarters for the Federal Bureau of Investigation (FBI)
16 in the Washington metropolitan region (as defined in 40
17 U.S.C. 8301).

18 (b) The building project survey report shall be pre-
19 pared by the Administrator of General Services in con-
20 sultation with the Director of the FBI, and each strategy
21 described in the report shall contain, at a minimum, an
22 estimated cost, a financing and development plan, a budg-
23 etary and financial impact analysis, a procurement and
24 implementation plan, an analysis of security and informa-
25 tion technology issues specific to the FBI, and a schedule.

1 (c) The building project survey report shall identify
2 a preferred strategy.

3 HARRY S TRUMAN SCHOLARSHIP FOUNDATION

4 SALARIES AND EXPENSES

5 For payment to the Harry S Truman Scholarship
6 Foundation Trust Fund, established by section 10 of Pub-
7 lic Law 93-642, \$1,000,000 to remain available until ex-
8 pended.

9 MERIT SYSTEMS PROTECTION BOARD

10 SALARIES AND EXPENSES

11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary expenses to carry out functions of the
13 Merit Systems Protection Board pursuant to Reorganiza-
14 tion Plan Numbered 2 of 1978, the Civil Service Reform
15 Act of 1978, and the Whistleblower Protection Act of
16 1989 (5 U.S.C. 5509 note), including services as author-
17 ized by 5 U.S.C. 3109, rental of conference rooms in the
18 District of Columbia and elsewhere, hire of passenger
19 motor vehicles, direct procurement of survey printing, and
20 not to exceed \$2,000 for official reception and representa-
21 tion expenses, \$41,621,000 together with not to exceed
22 \$2,579,000 for administrative expenses to adjudicate re-
23 tirement appeals to be transferred from the Civil Service
24 Retirement and Disability Fund in amounts determined
25 by the Merit Systems Protection Board.

1 MORRIS K. UDALL AND STEWART L. UDALL
2 FOUNDATION

3 MORRIS K. UDALL AND STEWART L. UDALL TRUST FUND
4 (INCLUDING TRANSFER OF FUNDS)

5 For payment to the Morris K. Udall and Stewart L.
6 Udall Trust Fund, pursuant to the Morris K. Udall and
7 Stewart L. Udall Foundation Act (20 U.S.C. 5601 et
8 seq.), \$2,500,000, to remain available until expended, of
9 which up to \$50,000 shall be used to conduct financial
10 audits pursuant to the Accountability of Tax Dollars Act
11 of 2002 (Public Law 107–289) notwithstanding sections
12 8 and 9 of Public Law 102–259: *Provided*, That up to
13 60 percent of such funds may be transferred by the Morris
14 K. Udall and Stewart L. Udall Foundation for the nec-
15 essary expenses of the Native Nations Institute.

16 ENVIRONMENTAL DISPUTE RESOLUTION FUND

17 For payment to the Environmental Dispute Resolu-
18 tion Fund to carry out activities authorized in the Envi-
19 ronmental Policy and Conflict Resolution Act of 1998,
20 \$3,800,000, to remain available until expended.

21 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

22 OPERATING EXPENSES

23 For necessary expenses in connection with the admin-
24 istration of the National Archives and Records Adminis-
25 tration (NARA) (including the Information Security Over-

1 sight Office) and archived Federal records and related ac-
2 tivities, as provided by law, and for expenses necessary
3 for the review and declassification of documents and the
4 activities of the Public Interest Declassification Board,
5 and for the hire of passenger motor vehicles, and for uni-
6 forms or allowances therefor, as authorized by law (5
7 U.S.C. 5901 et seq.), including maintenance, repairs, and
8 cleaning, \$348,689,000.

9 OFFICE OF INSPECTOR GENERAL

10 For necessary expenses of the Office of Inspector
11 General in carrying out the provisions of the Inspector
12 General Reform Act of 2008, Public Law 110–409, 122
13 Stat. 4302–16 (2008), and the Inspector General Act of
14 1978 (5 U.S.C. App.), and for the hire of passenger motor
15 vehicles, \$4,250,000.

16 ELECTRONIC RECORDS ARCHIVES

17 For necessary expenses in connection with the devel-
18 opment of the electronic records archives, to include all
19 direct project costs associated with research, analysis, de-
20 sign, development, and program management,
21 \$72,000,000, of which \$52,500,000 shall remain available
22 until September 30, 2013: *Provided*, That none of the
23 multi-year funds may be obligated until the NARA sub-
24 mits to the Committees on Appropriations, and such Com-
25 mittees approve, a plan for expenditure that: (1) meets

1 the capital planning and investment control review re-
2 quirements established by OMB, including Circular A-11;
3 (2) complies with NARA's enterprise architecture; (3) con-
4 forms with NARA's enterprise life cycle methodology; (4)
5 is approved by NARA and OMB; (5) has been reviewed
6 by the Government Accountability Office; and (6) complies
7 with the acquisition rules, requirements, guidelines, and
8 systems acquisition management practices of the Federal
9 Government.

10 REPAIRS AND RESTORATION

11 For the repair, alteration, and improvement of ar-
12 chives facilities, and to provide adequate storage for hold-
13 ings, \$11,848,000, to remain available until expended:
14 *Provided*, That language under the heading "Repairs and
15 Restoration" in Public Law 109-115 shall be amended by
16 striking "of which \$1,500,000 is to construct a new re-
17 gional archives and records facility in Anchorage, Alas-
18 ka,": *Provided further*, That language under the heading
19 "Repairs and Restoration" in Public Law 108-447 shall
20 be amended by striking "of which \$3,000,000 is for site
21 preparation and construction management to construct a
22 new regional archives and records facility in Anchorage,
23 Alaska, and".

1 NATIONAL HISTORICAL PUBLICATIONS AND RECORDS

2 COMMISSION

3 GRANTS PROGRAM

4 For necessary expenses for allocations and grants for
5 historical publications and records as authorized by 44
6 U.S.C. 2504, \$10,000,000, to remain available until ex-
7 pended.

8 NATIONAL CREDIT UNION ADMINISTRATION

9 CENTRAL LIQUIDITY FACILITY

10 During fiscal year 2011, gross obligations of the Cen-
11 tral Liquidity Facility for the principal amount of new di-
12 rect loans to member credit unions, as authorized by 12
13 U.S.C. 1795 et seq., shall be the amount authorized by
14 section 307(a)(4)(A) of the Federal Credit Union Act (12
15 U.S.C. 1795f(a)(4)(A)): *Provided*, That administrative ex-
16 penses of the Central Liquidity Facility in fiscal year 2011
17 shall not exceed \$1,250,000.

18 COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

19 For the Community Development Revolving Loan
20 Fund program as authorized by 42 U.S.C. 9812, 9822
21 and 9910, \$2,000,000 shall be available until September
22 30, 2012 for technical assistance to low-income designated
23 credit unions.

1 OFFICE OF GOVERNMENT ETHICS

2 SALARIES AND EXPENSES

3 For necessary expenses to carry out functions of the
4 Office of Government Ethics pursuant to the Ethics in
5 Government Act of 1978, and the Ethics Reform Act of
6 1989, including services as authorized by 5 U.S.C. 3109,
7 rental of conference rooms in the District of Columbia and
8 elsewhere, hire of passenger motor vehicles, and not to ex-
9 ceed \$1,500 for official reception and representation ex-
10 penses, \$14,227,000.

11 OFFICE OF PERSONNEL MANAGEMENT

12 SALARIES AND EXPENSES

13 (INCLUDING TRANSFER OF TRUST FUNDS)

14 For necessary expenses to carry out functions of the
15 Office of Personnel Management (OPM) pursuant to Re-
16 organization Plan Numbered 2 of 1978 and the Civil Serv-
17 ice Reform Act of 1978, including services as authorized
18 by 5 U.S.C. 3109; medical examinations performed for
19 veterans by private physicians on a fee basis; rental of con-
20 ference rooms in the District of Columbia and elsewhere;
21 hire of passenger motor vehicles; not to exceed \$2,500 for
22 official reception and representation expenses; advances
23 for reimbursements to applicable funds of OPM and the
24 Federal Bureau of Investigation for expenses incurred
25 under Executive Order No. 10422 of January 9, 1953,

1 as amended; and payment of per diem and/or subsistence
2 allowances to employees where Voting Rights Act activities
3 require an employee to remain overnight at his or her post
4 of duty, \$96,439,000, of which \$670,210 shall be available
5 to increase the agency's acquisition workforce capacity
6 and capabilities; of which \$6,004,000 shall remain avail-
7 able until September 30, 2012 for the Enterprise Human
8 Resources Integration project; \$1,416,000 shall remain
9 available until September 30, 2012 for the Human Re-
10 sources Line of Business project; and in addition
11 \$121,738,000 for administrative expenses, to be trans-
12 ferred from the appropriate trust funds of OPM without
13 regard to other statutes, including direct procurement of
14 printed materials, for the retirement and insurance pro-
15 grams, of which not more than \$9,495,000 shall remain
16 available until September 30, 2012 for the cost of imple-
17 menting the new integrated financial system: *Provided*,
18 That the provisions of this appropriation shall not affect
19 the authority to use applicable trust funds as provided by
20 sections 8348(a)(1)(B), and 9004(f)(2)(A) of title 5,
21 U.S.C.: *Provided further*, That no part of this appropria-
22 tion shall be available for salaries and expenses of the
23 OPM Legal Examining Unit established pursuant to Ex-
24 ecutive Order No. 9358 of July 1, 1943, or any successor
25 unit of like purpose: *Provided further*, That the President's

1 Commission on White House Fellows, established by Exec-
2 utive Order No. 11183 of October 3, 1964, may, during
3 fiscal year 2011, accept donations of money, property, and
4 personal services: *Provided further*, That such donations,
5 including those from prior years, may be used for the de-
6 velopment of publicity materials to provide information
7 about the White House Fellows, except that no such dona-
8 tions shall be accepted for travel or reimbursement of trav-
9 el expenses, or for the salaries of employees of such Com-
10 mission: *Provided further*, That funds to increase the agen-
11 cy's acquisition workforce capacity and capabilities shall
12 be available only to supplement and not to supplant exist-
13 ing acquisition workforce activities, and shall be available
14 for training, recruitment, retention, and hiring additional
15 members of the acquisition workforce as defined by the
16 Office of Federal Procurement Policy Act, as amended (41
17 U.S.C. 401 et seq.): *Provided further*, That such acquisi-
18 tion workforce funds shall be available for information
19 technology in support of acquisition workforce effective-
20 ness or for management solutions to improve acquisition
21 management: *Provided further*, That such acquisition
22 workforce improvement funds may be transferred by the
23 Director of OPM to any other account in the agency to
24 carry out the purposes provided herein: *Provided further*,

1 That such transfer authority is in addition to any other
2 transfer authority provided in this Act.

3 OFFICE OF INSPECTOR GENERAL

4 SALARIES AND EXPENSES

5 (INCLUDING TRANSFER OF TRUST FUNDS)

6 For necessary expenses of the Office of Inspector
7 General in carrying out the provisions of the Inspector
8 General Act of 1978, including services as authorized by
9 5 U.S.C. 3109, hire of passenger motor vehicles,
10 \$3,997,000, and in addition, not to exceed \$21,888,000
11 for administrative expenses to audit, investigate, and pro-
12 vide other oversight of OPM's retirement and insurance
13 programs, to be transferred from the appropriate trust
14 funds of OPM, as determined by the Inspector General:
15 *Provided*, That the Inspector General is authorized to rent
16 conference rooms in the District of Columbia and else-
17 where.

18 GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES

19 HEALTH BENEFITS

20 For payment of Government contributions with re-
21 spect to retired employees, as authorized by chapter 89
22 of title 5, U.S.C., and the Retired Federal Employees
23 Health Benefits Act (74 Stat. 849), such sums as may
24 be necessary.

1 GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE
2 LIFE INSURANCE

3 For payment of Government contributions with re-
4 spect to employees retiring after December 31, 1989, as
5 required by chapter 87 of title 5, U.S.C., such sums as
6 may be necessary.

7 PAYMENT TO CIVIL SERVICE RETIREMENT AND
8 DISABILITY FUND

9 For financing the unfunded liability of new and in-
10 creased annuity benefits becoming effective on or after Oc-
11 tober 20, 1969, as authorized by 5 U.S.C. 8348, and an-
12 nuities under special Acts to be credited to the Civil Serv-
13 ice Retirement and Disability Fund, such sums as may
14 be necessary: *Provided*, That annuities authorized by the
15 Act of May 29, 1944, and the Act of August 19, 1950
16 (33 U.S.C. 771–775), may hereafter be paid out of the
17 Civil Service Retirement and Disability Fund.

18 OFFICE OF SPECIAL COUNSEL

19 SALARIES AND EXPENSES

20 For necessary expenses to carry out functions of the
21 Office of Special Counsel pursuant to Reorganization Plan
22 Numbered 2 of 1978, the Civil Service Reform Act of
23 1978 (Public Law 95–454), the Whistleblower Protection
24 Act of 1989 (Public Law 101–12), Public Law 107–304,
25 and the Uniformed Services Employment and Reemploy-

1 ment Rights Act of 1994 (Public Law 103–353), including
2 services as authorized by 5 U.S.C. 3109, payment of fees
3 and expenses for witnesses, rental of conference rooms in
4 the District of Columbia and elsewhere, and hire of pas-
5 senger motor vehicles; \$19,486,000.

6 POSTAL REGULATORY COMMISSION

7 SALARIES AND EXPENSES

8 (INCLUDING TRANSFER OF FUNDS)

9 For necessary expenses of the Postal Regulatory
10 Commission in carrying out the provisions of the Postal
11 Accountability and Enhancement Act (Public Law 109–
12 435), \$14,450,000, to be derived by transfer from the
13 Postal Service Fund and expended as authorized by sec-
14 tion 603(a) of such Act.

15 PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

16 SALARIES AND EXPENSES

17 For necessary expenses of the Privacy and Civil Lib-
18 erties Oversight Board, as authorized by section 1061 of
19 the Intelligence Reform and Terrorism Prevention Act of
20 2004 (5 U.S.C. 601 note), \$1,500,000, to remain available
21 until September 30, 2012.

22 SECURITIES AND EXCHANGE COMMISSION

23 SALARIES AND EXPENSES

24 For necessary expenses for the Securities and Ex-
25 change Commission, including services as authorized by

1 5 U.S.C. 3109, the rental of space (to include multiple
2 year leases) in the District of Columbia and elsewhere, and
3 not to exceed \$3,500 for official reception and representa-
4 tion expenses, \$1,300,000,000, to remain available until
5 expended; of which not less than \$6,250,000 shall be for
6 the Office of Inspector General; of which not to exceed
7 \$30,000 may be used toward funding a permanent secre-
8 tariat for the International Organization of Securities
9 Commissions; and of which not to exceed \$100,000 shall
10 be available for expenses for consultations and meetings
11 hosted by the Commission with foreign governmental and
12 other regulatory officials, members of their delegations,
13 appropriate representatives and staff to exchange views
14 concerning developments relating to securities matters, de-
15 velopment and implementation of cooperation agreements
16 concerning securities matters and provision of technical
17 assistance for the development of foreign securities mar-
18 kets, such expenses to include necessary logistic and ad-
19 ministrative expenses and the expenses of Commission
20 staff and foreign invitees in attendance at such consulta-
21 tions and meetings including: (1) such incidental expenses
22 as meals taken in the course of such attendance; (2) any
23 travel and transportation to or from such meetings; and
24 (3) any other related lodging or subsistence; and of which
25 not to exceed \$483,130 shall be available to increase the

1 Commission's acquisition workforce capacity and capabili-
2 ties: *Provided*, That such acquisition workforce funds may
3 be transferred by the Chairman to any other account in
4 the Commission to carry out the purposes provided herein:
5 *Provided further*, That such transfer authority is in addi-
6 tion to any other transfer authority provided in this Act:
7 *Provided further*, That such acquisition workforce funds
8 shall be available only to supplement and not to supplant
9 existing acquisition workforce activities: *Provided further*,
10 That such funds shall be available for training, recruit-
11 ment, retention, and hiring additional members of the ac-
12 quisition workforce as defined by the Office of Federal
13 Procurement Policy Act, as amended (41 U.S.C. 401 et
14 seq.): *Provided further*, That such funds shall be available
15 for information technology in support of acquisition work-
16 force effectiveness and management: *Provided further*,
17 That fees and assessments authorized by sections 6(b) of
18 the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)),
19 and 13(e), 14(g) and 31 of the Securities Exchange Act
20 of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee), as in effect
21 on the day before the date of enactment of the Dodd-
22 Frank Wall Street Reform and Consumer Protection Act
23 (Public Law 111-203, 124 Stat. 1376) shall be credited
24 to this account as offsetting collections: *Provided further*,
25 That not to exceed \$1,300,000,000 of such offsetting col-

1 lections shall be available until expended for necessary ex-
2 penses of this account: *Provided further*, That the total
3 amount appropriated under this heading from the general
4 fund for fiscal year 2011 shall be reduced as such offset-
5 ting collections are received so as to result in a final total
6 fiscal year 2011 appropriation from the general fund esti-
7 mated at not more than \$0.

8 SELECTIVE SERVICE SYSTEM

9 SALARIES AND EXPENSES

10 For necessary expenses of the Selective Service Sys-
11 tem, including expenses of attendance at meetings and of
12 training for uniformed personnel assigned to the Selective
13 Service System, as authorized by 5 U.S.C. 4101–4118 for
14 civilian employees; purchase of uniforms, or allowances
15 therefor, as authorized by 5 U.S.C. 5901–5902; hire of
16 passenger motor vehicles; services as authorized by 5
17 U.S.C. 3109; and not to exceed \$750 for official reception
18 and representation expenses; \$24,275,000: *Provided*, That
19 during the current fiscal year, the President may exempt
20 this appropriation from the provisions of 31 U.S.C. 1341,
21 whenever the President deems such action to be necessary
22 in the interest of national defense: *Provided further*, That
23 none of the funds appropriated by this Act may be ex-
24 pended for or in connection with the induction of any per-
25 son into the Armed Forces of the United States.

1 SMALL BUSINESS ADMINISTRATION

2 SALARIES AND EXPENSES

3 For necessary expenses, not otherwise provided for,
4 of the Small Business Administration as authorized by
5 Public Law 108–447, including hire of passenger motor
6 vehicles as authorized by 31 U.S.C. 1343 and 1344, and
7 not to exceed \$3,500 for official reception and representa-
8 tion expenses, \$459,125,000: *Provided*, That the Adminis-
9 trator is authorized to charge fees to cover the cost of pub-
10 lications developed by the Small Business Administration,
11 and certain loan program activities, including fees author-
12 ized by section 5(b) of the Small Business Act: *Provided*
13 *further*, That, notwithstanding 31 U.S.C. 3302, revenues
14 received from all such activities shall be credited to this
15 account, to remain available until expended, for carrying
16 out these purposes without further appropriations: *Pro-*
17 *vided further*, That \$115,250,000 shall be available to
18 fund grants for performance in fiscal year 2011 or fiscal
19 year 2012 as authorized by section 21 of the Small Busi-
20 ness Act, of which \$1,000,000 shall be for the Veterans
21 Assistance and Services Program authorized by section
22 21(n) of the Small Business Act, and of which \$1,000,000
23 shall be for the Small Business Energy Efficiency Pro-
24 gram authorized by section 1203(c) of Public Law 110–
25 140: *Provided further*, That \$22,000,000 shall remain

1 available until September 30, 2012 for marketing, man-
2 agement, and technical assistance under section 7(m) of
3 the Small Business Act (15 U.S.C. 636(m)(4)) by inter-
4 mediaries that make microloans under the microloan pro-
5 gram: *Provided further*, That during fiscal year 2011, the
6 applicable percentage under section 7(m)(4)(A) of the
7 Small Business Act shall be 50 percent: *Provided further*,
8 That \$15,347,700 shall be available for the Loan Mod-
9 ernization and Accounting System, to be available until
10 September 30, 2012: *Provided further*, That \$2,000,000
11 shall be for the Federal and State Technology Partnership
12 Program under section 34 of the Small Business Act (15
13 U.S.C. 657d): *Provided further*, That \$1,000,000, to re-
14 main available until September 30, 2012, shall be for a
15 pilot program to provide financial assistance in the form
16 of grants or cooperative agreements to educational institu-
17 tions, nonprofit organizations, or State and local depart-
18 ments and agencies for the purposes of providing manage-
19 ment or technical assistance to Hispanic small businesses:
20 *Provided further*, That \$1,767,090 shall be to supplement
21 and not supplant training, recruitment, retention, and hir-
22 ing additional members of the acquisition workforce as de-
23 fined by the Office of Federal Procurement Policy Act (41
24 U.S.C. 401 et seq.) and for information technology in sup-

1 port of acquisition workforce effectiveness and manage-
2 ment.

3 OFFICE OF INSPECTOR GENERAL

4 For necessary expenses of the Office of Inspector
5 General in carrying out the provisions of the Inspector
6 General Act of 1978, \$18,000,000.

7 BUSINESS LOANS PROGRAM ACCOUNT

8 (INCLUDING TRANSFER OF FUNDS)

9 For the cost of direct loans, \$4,000,000, to remain
10 available until expended, and for the cost of guaranteed
11 loans as authorized by section 7(a) of the Small Business
12 Act, \$79,000,000, to remain available until expended: *Pro-*
13 *vided*, That such costs, including the cost of modifying
14 such loans, shall be as defined in section 502 of the Con-
15 gressional Budget Act of 1974: *Provided further*, That
16 subject to section 502 of the Congressional Budget Act
17 of 1974, during fiscal year 2011 commitments to guar-
18 antee loans under section 503 of the Small Business In-
19 vestment Act of 1958 shall not exceed \$7,500,000,000:
20 *Provided further*, That during fiscal year 2011 commit-
21 ments for general business loans authorized under section
22 7(a) of the Small Business Act shall not exceed
23 \$17,500,000,000 for a combination of amortizing term
24 loans and the aggregated maximum line of credit provided
25 by revolving loans: *Provided further*, That during fiscal

1 year 2011 commitments to guarantee loans for debentures
2 under section 303(b) of the Small Business Investment
3 Act of 1958, shall not exceed \$3,000,000,000: *Provided*
4 *further*, That during fiscal year 2011, guarantees of trust
5 certificates authorized by section 5(g) of the Small Busi-
6 ness Act shall not exceed a principal amount of
7 \$12,000,000,000. In addition, for administrative expenses
8 to carry out the direct and guaranteed loan programs,
9 \$157,000,000, which may be transferred to and merged
10 with the appropriations for Salaries and Expenses.

11 DISASTER LOANS PROGRAM ACCOUNT

12 (INCLUDING TRANSFERS OF FUNDS)

13 For administrative expenses to carry out the direct
14 loan program authorized by section 7(b) of the Small
15 Business Act, \$193,000,000, to be available until ex-
16 pended, of which \$1,000,000 is for the Office of Inspector
17 General of the Small Business Administration for audits
18 and reviews of disaster loans and the disaster loan pro-
19 grams and shall be transferred to and merged with the
20 appropriations for the Office of Inspector General; of
21 which \$183,000,000 is for direct administrative expenses
22 of loan making and servicing to carry out the direct loan
23 program, which may be transferred to and merged with
24 the appropriations for Salaries and Expenses; of which
25 \$9,000,000 is for indirect administrative expenses for the

1 direct loan program, which may be transferred to and
2 merged with the appropriations for Salaries and Expenses.

3 ADMINISTRATIVE PROVISIONS—SMALL BUSINESS

4 ADMINISTRATION

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 530. Not to exceed 5 percent of any appropria-
7 tion made available for the current fiscal year for the
8 Small Business Administration in this Act may be trans-
9 ferred between such appropriations, but no such appro-
10 priation shall be increased by more than 10 percent by
11 any such transfers: *Provided*, That any transfer pursuant
12 to this paragraph shall be treated as a reprogramming of
13 funds under section 608 of this Act and shall not be avail-
14 able for obligation or expenditure except in compliance
15 with the procedures set forth in that section.

16 SEC. 531. All disaster loans issued in Alaska or
17 North Dakota shall be administered by the Small Business
18 Administration and shall not be sold during fiscal year
19 2010.

20 SEC. 532. Funds made available under Public Law
21 111–8 and Public Law 111–117 for Community Links
22 Hawaii shall be made available to the Pacific International
23 Center for High Technology Research.

24 SEC. 533. Public Law 111–240 is amended in section
25 1114 and section 1704 by striking “December 31, 2010”

1 and inserting “September 30, 2011” each time it appears
2 and in section 1704 by adding at the end the following:
3 “(c) For purposes of the loans made under this section,
4 the maximum guaranteed amount outstanding to the bor-
5 rower may not exceed \$4,500,000.”

6 SEC. 534. For an additional amount under the head-
7 ing “Small Business Administration—Salaries and Ex-
8 penses,” \$47,575,000 to remain available until September
9 30, 2012, which shall be for initiatives related to small
10 business development and entrepreneurship, including pro-
11 grammatic and construction activities, in the amounts and
12 for the projects specified in the table that appears under
13 the heading “Administrative Provisions—Small Business
14 Administration” in the explanatory statement to accom-
15 pany this Act.

16 UNITED STATES POSTAL SERVICE

17 PAYMENT TO THE POSTAL SERVICE FUND

18 For payment to the Postal Service Fund for revenue
19 forgone on free and reduced rate mail, pursuant to sub-
20 sections (c) and (d) of 39 U.S.C. 2401, \$103,905,000, of
21 which \$74,905,000 shall not be available for obligation
22 until October 1, 2011: *Provided*, That mail for overseas
23 voting and mail for the blind shall continue to be free:
24 *Provided further*, That 6-day delivery and rural delivery
25 of mail shall continue at not less than the 1983 level: *Pro-*

1 *vided further*, That none of the funds made available to
2 the Postal Service by this Act shall be used to implement
3 any rule, regulation, or policy of charging any officer or
4 employee of any State or local child support enforcement
5 agency, or any individual participating in a State or local
6 program of child support enforcement, a fee for informa-
7 tion requested or provided concerning an address of a
8 postal customer: *Provided further*, That none of the funds
9 provided in this Act shall be used to consolidate or close
10 small rural and other small post offices in fiscal year
11 2011.

12 OFFICE OF INSPECTOR GENERAL

13 SALARIES AND EXPENSES

14 (INCLUDING TRANSFER OF FUNDS)

15 For necessary expenses of the Office of Inspector
16 General in carrying out the provisions of the Inspector
17 General Act of 1978, \$244,397,000, to be derived by
18 transfer from the Postal Service Fund and expended as
19 authorized by section 603(b)(3) of the Postal Account-
20 ability and Enhancement Act (Public Law 109–435).

21 UNITED STATES TAX COURT

22 SALARIES AND EXPENSES

23 For necessary expenses, including contract reporting
24 and other services as authorized by 5 U.S.C. 3109,
25 \$55,053,000, of which \$2,852,000 shall remain available

1 until September 30, 2012: *Provided*, That travel expenses
2 of the judges shall be paid upon the written certificate of
3 the judge.

4 TITLE VI

5 GENERAL PROVISIONS—THIS ACT

6 SEC. 601. None of the funds in this Act shall be used
7 for the planning or execution of any program to pay the
8 expenses of, or otherwise compensate, non-Federal parties
9 intervening in regulatory or adjudicatory proceedings
10 funded in this Act.

11 SEC. 602. None of the funds appropriated in this Act
12 shall remain available for obligation beyond the current
13 fiscal year, nor may any be transferred to other appropria-
14 tions, unless expressly so provided herein.

15 SEC. 603. The expenditure of any appropriation
16 under this Act for any consulting service through procure-
17 ment contract pursuant to 5 U.S.C. 3109, shall be limited
18 to those contracts where such expenditures are a matter
19 of public record and available for public inspection, except
20 where otherwise provided under existing law, or under ex-
21 isting Executive order issued pursuant to existing law.

22 SEC. 604. None of the funds made available in this
23 Act may be transferred to any department, agency, or in-
24 strumentality of the United States Government, except

1 pursuant to a transfer made by, or transfer authority pro-
2 vided in, this Act or any other appropriations Act.

3 SEC. 605. None of the funds made available by this
4 Act shall be available for any activity or for paying the
5 salary of any Government employee where funding an ac-
6 tivity or paying a salary to a Government employee would
7 result in a decision, determination, rule, regulation, or pol-
8 icy that would prohibit the enforcement of section 307 of
9 the Tariff Act of 1930 (19 U.S.C. 1307).

10 SEC. 606. No funds appropriated pursuant to this
11 Act may be expended by an entity unless the entity agrees
12 that in expending the assistance the entity will comply
13 with the Buy American Act (41 U.S.C. 10a–10c).

14 SEC. 607. No funds appropriated or otherwise made
15 available under this Act shall be made available to any
16 person or entity that has been convicted of violating the
17 Buy American Act (41 U.S.C. 10a–10c).

18 SEC. 608. Except as otherwise provided in this Act,
19 none of the funds provided in this Act, provided by pre-
20 vious appropriations Acts to the agencies or entities fund-
21 ed in this Act that remain available for obligation or ex-
22 penditure in fiscal year 2011, or provided from any ac-
23 counts in the Treasury derived by the collection of fees
24 and available to the agencies funded by this Act, shall be
25 available for obligation or expenditure through a re-

1 programming of funds that: (1) creates a new program;
2 (2) eliminates a program, project, or activity; (3) increases
3 funds or personnel for any program, project, or activity
4 for which funds have been denied or restricted by the Con-
5 gress; (4) proposes to use funds directed for a specific ac-
6 tivity by the Committee on Appropriations of either the
7 House of Representatives or the Senate for a different
8 purpose; (5) augments existing programs, projects, or ac-
9 tivities in excess of \$5,000,000 or 10 percent, whichever
10 is less; (6) reduces existing programs, projects, or activi-
11 ties by \$5,000,000 or 10 percent, whichever is less; or (7)
12 creates or reorganizes offices, programs, or activities un-
13 less prior approval is received from the Committees on Ap-
14 propriations: *Provided*, That prior to any significant reor-
15 ganization or restructuring of offices, programs, or activi-
16 ties, each agency or entity funded in this Act shall consult
17 with the Committees on Appropriations: *Provided further*,
18 That not later than 60 days after the date of enactment
19 of this Act, each agency funded by this Act shall submit
20 a report to the Committees on Appropriations to establish
21 the baseline for application of reprogramming and trans-
22 fer authorities for the current fiscal year: *Provided further*,
23 That the report shall include: (1) a table for each appro-
24 priation with a separate column to display the President's
25 budget request, adjustments made by Congress, adjust-

1 ments due to enacted rescissions, if appropriate, and the
2 fiscal year enacted level; (2) a delineation in the table for
3 each appropriation both by object class and program,
4 project, and activity as detailed in the budget appendix
5 for the respective appropriation; and (3) an identification
6 of items of special congressional interest: *Provided further*,
7 That the amount appropriated or limited for salaries and
8 expenses for an agency shall be reduced by \$100,000 per
9 day for each day after the required date that the report
10 has not been submitted to the Congress.

11 SEC. 609. Except as otherwise specifically provided
12 by law, not to exceed 50 percent of unobligated balances
13 remaining available at the end of fiscal year 2011 from
14 appropriations made available for salaries and expenses
15 for fiscal year 2011 in this Act, shall remain available
16 through September 30, 2012, for each such account for
17 the purposes authorized: *Provided*, That a request shall
18 be submitted to the Committees on Appropriations for ap-
19 proval prior to the expenditure of such funds: *Provided*
20 *further*, That these requests shall be made in compliance
21 with reprogramming guidelines.

22 SEC. 610. None of the funds made available in this
23 Act may be used by the Executive Office of the President
24 to request from the Federal Bureau of Investigation any

1 official background investigation report on any individual,
2 except when—

3 (1) such individual has given his or her express
4 written consent for such request not more than 6
5 months prior to the date of such request and during
6 the same presidential administration; or

7 (2) such request is required due to extraor-
8 dinary circumstances involving national security.

9 SEC. 611. The cost accounting standards promul-
10 gated under section 26 of the Office of Federal Procure-
11 ment Policy Act (Public Law 93–400; 41 U.S.C. 422)
12 shall not apply with respect to a contract under the Fed-
13 eral Employees Health Benefits Program established
14 under chapter 89 of title 5, U.S.C.

15 SEC. 612. For the purpose of resolving litigation and
16 implementing any settlement agreements regarding the
17 nonforeign area cost-of-living allowance program, the Of-
18 fice of Personnel Management (OPM) may accept and uti-
19 lize (without regard to any restriction on unanticipated
20 travel expenses imposed in an Appropriations Act) funds
21 made available to OPM pursuant to court approval.

22 SEC. 613. No funds appropriated by this Act shall
23 be available to pay for an abortion, or the administrative
24 expenses in connection with any health plan under the

1 Federal employees health benefits program which provides
2 any benefits or coverage for abortions.

3 SEC. 614. The provision of section 613 shall not
4 apply where the life of the mother would be endangered
5 if the fetus were carried to term, or the pregnancy is the
6 result of an act of rape or incest.

7 SEC. 615. In order to promote Government access to
8 commercial information technology, the restriction on pur-
9 chasing nondomestic articles, materials, and supplies set
10 forth in the Buy American Act (41 U.S.C. 10a et seq.),
11 shall not apply to the acquisition by the Federal Govern-
12 ment of information technology (as defined in 40 U.S.C.
13 11101), that is a commercial item (as defined in section
14 4(12) of the Office of Federal Procurement Policy Act (41
15 U.S.C. 403(12)).

16 SEC. 616. Notwithstanding 31 U.S.C. 1353, no offi-
17 cer or employee of any regulatory agency or commission
18 funded by this Act may accept on behalf of that agency,
19 nor may such agency or commission accept, payment or
20 reimbursement from a non-Federal entity for travel, sub-
21 sistence, or related expenses for the purpose of enabling
22 an officer or employee to attend and participate in any
23 meeting or similar function relating to the official duties
24 of the officer or employee when the entity offering pay-
25 ment or reimbursement is a person or entity subject to

1 regulation by such agency or commission, or represents
2 a person or entity subject to regulation by such agency
3 or commission, unless the person or entity is an organiza-
4 tion described in section 501(c)(3) of the Internal Revenue
5 Code of 1986 and exempt from tax under section 501(a)
6 of such Code.

7 SEC. 617. The Public Company Accounting Oversight
8 Board shall have authority to obligate funds for the schol-
9 arship program established by section 109(c)(2) of the
10 Sarbanes-Oxley Act of 2002 (Public Law 107–204) in an
11 aggregate amount not exceeding the amount of funds col-
12 lected by the Board as of December 31, 2010, including
13 accrued interest, as a result of the assessment of monetary
14 penalties. Funds available for obligation in fiscal year
15 2011 shall remain available until expended.

16 SEC. 618. From the unobligated balances of prior
17 year appropriations made available for the Privacy and
18 Civil Liberties Oversight Board, \$1,500,000 are rescinded.

19 SEC. 619. During fiscal year 2011, for purposes of
20 section 908(b)(1) of the Trade Sanctions Reform and Ex-
21 port Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)),
22 the term “payment of cash in advance” shall be inter-
23 preted as payment before the transfer of title to, and con-
24 trol of, the exported items to the Cuban purchaser.

1 SEC. 620. (a) Section 1403(8) of the Virginia Graeme
2 Baker Pool and Spa Safety Act (15 U.S.C. 8002(8)) is
3 amended by adding at the end the following: “For pur-
4 poses of eligibility for the grants authorized under section
5 1405, such term shall also include any political subdivision
6 of a State.”.

7 (b) EXTENSION OF GRANT PROGRAM.—Section
8 1405(e) of the Virginia Graeme Baker Pool and Spa Safe-
9 ty Act (15 U.S.C. 8004 (e)) is amended by striking
10 “2010” and inserting “2011”.

11 SEC. 621. Notwithstanding section 708 of this Act,
12 funds made available to the Commodity Futures Trading
13 Commission and the Securities and Exchange Commission
14 by this or any other Act may be used for the interagency
15 funding and sponsorship of a joint advisory committee to
16 advise on emerging regulatory issues.

17 SEC. 622. Any expenses incurred by the Election As-
18 sistance Commission using amounts appropriated under
19 the heading “Election Assistance Commission, Election
20 Reform Programs” in the Transportation, Treasury, and
21 Independent Agencies Appropriations Act, 2004 (Public
22 Law 108–199; 118 Stat. 327) for any program or activity
23 which the Commission is authorized to carry out under
24 the Help America Vote Act of 2002 shall be considered

1 to have been incurred for the programs and activities de-
2 scribed under such heading.

3 SEC. 623. Section 1107 of 31 U.S.C. 1107 is amend-
4 ed by adding to the end thereof the following: “The Presi-
5 dent shall transmit promptly to Congress without change,
6 proposed deficiency and supplemental appropriations sub-
7 mitted to the President by the legislative branch and the
8 judicial branch.”.

9 SEC. 624. Section 7 of the Abraham Lincoln Com-
10 memorative Coin Act (31 U.S.C. § 5112 note) is amended
11 in subsection (b) by striking “Abraham Lincoln Bicenten-
12 nial Commission to further the work of the Commission”
13 and inserting “Abraham Lincoln Bicentennial Foundation
14 for the purposes of commemorating the bicentennial of the
15 birth of Abraham Lincoln, and fostering and promoting
16 the awareness and study of the life of Abraham Lincoln”
17 and in subsection (c) by striking “Abraham Lincoln Bicen-
18 tennial Commission” and inserting “Abraham Lincoln Bi-
19 centennial Foundation”.

20 SEC. 625. Of the unobligated balances available to
21 the Federal Communications Commission from prior ap-
22 propriations under the heading “Salaries and Expenses”,
23 \$2,800,000 are hereby rescinded.

1 TITLE VII
2 GENERAL PROVISIONS—GOVERNMENT-WIDE

3 DEPARTMENTS, AGENCIES, AND CORPORATIONS

4 SEC. 701. No department, agency, or instrumentality
5 of the United States receiving appropriated funds under
6 this or any other Act for fiscal year 2011 shall obligate
7 or expend any such funds, unless such department, agen-
8 cy, or instrumentality has in place, and will continue to
9 administer in good faith, a written policy designed to en-
10 sure that all of its workplaces are free from the illegal
11 use, possession, or distribution of controlled substances
12 (as defined in the Controlled Substances Act (21 U.S.C.
13 802)) by the officers and employees of such department,
14 agency, or instrumentality.

15 SEC. 702. Unless otherwise specifically provided, the
16 maximum amount allowable during the current fiscal year
17 in accordance with 31 U.S.C. 1343(c), for the purchase
18 of any passenger motor vehicle (exclusive of buses, ambu-
19 lances, law enforcement, and undercover surveillance vehi-
20 cles), is hereby fixed at \$13,197 except station wagons for
21 which the maximum shall be \$13,631: *Provided*, That
22 these limits may be exceeded by not to exceed \$3,700 for
23 police-type vehicles, and by not to exceed \$4,000 for spe-
24 cial heavy-duty vehicles: *Provided further*, That the limits
25 set forth in this section may not be exceeded by more than

1 5 percent for electric or hybrid vehicles purchased for
2 demonstration under the provisions of the Electric and
3 Hybrid Vehicle Research, Development, and Demonstra-
4 tion Act of 1976: *Provided further*, That the limits set
5 forth in this section may be exceeded by the incremental
6 cost of clean alternative fuels vehicles acquired pursuant
7 to Public Law 101–549 over the cost of comparable con-
8 ventionally fueled vehicles: *Provided further*, That the lim-
9 its set forth in this section shall not apply to any vehicle
10 that is a commercial item and which operates on emerging
11 motor vehicle technology, including but not limited to elec-
12 tric, plug-in hybrid electric, and hydrogen fuel cell vehi-
13 cles.

14 SEC. 703. Appropriations of the executive depart-
15 ments and independent establishments for the current fis-
16 cal year available for expenses of travel, or for the ex-
17 penses of the activity concerned, are hereby made available
18 for quarters allowances and cost-of-living allowances, in
19 accordance with 5 U.S.C. 5922–5924.

20 SEC. 704. Unless otherwise specified during the cur-
21 rent fiscal year, no part of any appropriation contained
22 in this or any other Act shall be used to pay the compensa-
23 tion of any officer or employee of the Government of the
24 United States (including any agency the majority of the
25 stock of which is owned by the Government of the United

1 States) whose post of duty is in the continental United
2 States unless such person: (1) is a citizen of the United
3 States; (2) is a person who is lawfully admitted for perma-
4 nent residence and is seeking citizenship as outlined in 8
5 U.S.C. 1324b(a)(3)(B); (3) is a person who is admitted
6 as a refugee under 8 U.S.C. 1157 or is granted asylum
7 under 8 U.S.C. 1158 and has filed a declaration of inten-
8 tion to become a lawful permanent resident and then a
9 citizen when eligible; or (4) is a person who owes alle-
10 giance to the United States: *Provided*, That for purposes
11 of this section, affidavits signed by any such person shall
12 be considered prima facie evidence that the requirements
13 of this section with respect to his or her status are being
14 complied with: *Provided further*, That any person making
15 a false affidavit shall be guilty of a felony, and upon con-
16 viction, shall be fined no more than \$4,000 or imprisoned
17 for not more than 1 year, or both: *Provided further*, That
18 the above penal clause shall be in addition to, and not in
19 substitution for, any other provisions of existing law: *Pro-*
20 *vided further*, That any payment made to any officer or
21 employee contrary to the provisions of this section shall
22 be recoverable in action by the Federal Government: *Pro-*
23 *vided further*, That this section shall not apply to any per-
24 son who is an officer or employee of the Government of
25 the United States on the date of enactment of this Act,

1 or to international broadcasters employed by the Broad-
2 casting Board of Governors, or to temporary employment
3 of translators, or to temporary employment in the field
4 service (not to exceed 60 days) as a result of emergencies:
5 *Provided further*, That this section does not apply to the
6 employment as Wildland firefighters for not more than
7 120 days of nonresident aliens employed by the Depart-
8 ment of the Interior or the USDA Forest Service pursuant
9 to an agreement with another country.

10 SEC. 705. Appropriations available to any depart-
11 ment or agency during the current fiscal year for nec-
12 essary expenses, including maintenance or operating ex-
13 penses, shall also be available for payment to the General
14 Services Administration for charges for space and services
15 and those expenses of renovation and alteration of build-
16 ings and facilities which constitute public improvements
17 performed in accordance with the Public Buildings Act of
18 1959 (73 Stat. 479), the Public Buildings Amendments
19 of 1972 (86 Stat. 216), or other applicable law.

20 SEC. 706. In addition to funds provided in this or
21 any other Act, all Federal agencies are authorized to re-
22 ceive and use funds resulting from the sale of materials,
23 including Federal records disposed of pursuant to a
24 records schedule recovered through recycling or waste pre-

1 vention programs. Such funds shall be available until ex-
2 pended for the following purposes:

3 (1) Acquisition, waste reduction and prevention,
4 and recycling programs as described in Executive
5 Order No. 13423 (January 24, 2007), including any
6 such programs adopted prior to the effective date of
7 the Executive order.

8 (2) Other Federal agency environmental man-
9 agement programs, including, but not limited to, the
10 development and implementation of hazardous waste
11 management and pollution prevention programs.

12 (3) Other employee programs as authorized by
13 law or as deemed appropriate by the head of the
14 Federal agency.

15 SEC. 707. Funds made available by this or any other
16 Act for administrative expenses in the current fiscal year
17 of the corporations and agencies subject to chapter 91 of
18 title 31, U.S.C., shall be available, in addition to objects
19 for which such funds are otherwise available, for rent in
20 the District of Columbia; services in accordance with 5
21 U.S.C. 3109; and the objects specified under this head,
22 all the provisions of which shall be applicable to the ex-
23 penditure of such funds unless otherwise specified in the
24 Act by which they are made available: *Provided*, That in
25 the event any functions budgeted as administrative ex-

1 penses are subsequently transferred to or paid from other
2 funds, the limitations on administrative expenses shall be
3 correspondingly reduced.

4 SEC. 708. No part of any appropriation contained in
5 this or any other Act shall be available for interagency
6 financing of boards (except Federal Executive Boards),
7 commissions, councils, committees, or similar groups
8 (whether or not they are interagency entities) which do
9 not have a prior and specific statutory approval to receive
10 financial support from more than one agency or instru-
11 mentality.

12 SEC. 709. None of the funds made available pursuant
13 to the provisions of this Act shall be used to implement,
14 administer, or enforce any regulation which has been dis-
15 approved pursuant to a joint resolution duly adopted in
16 accordance with the applicable law of the United States.

17 SEC. 710. (a) Notwithstanding any other provision
18 of law, and except as otherwise provided in this section,
19 no part of any of the funds appropriated for fiscal year
20 2011, by this or any other Act, may be used to pay any
21 prevailing rate employee described in 5 U.S.C.
22 5342(a)(2)(A)—

23 (1) during the period from the date of expira-
24 tion of the limitation imposed by the comparable sec-
25 tion for previous fiscal years until the normal effec-

1 tive date of the applicable wage survey adjustment
2 that is to take effect in fiscal year 2011, in an
3 amount that exceeds the rate payable for the appli-
4 cable grade and step of the applicable wage schedule
5 in accordance with such section; and

6 (2) during the period consisting of the remain-
7 der of fiscal year 2011, in an amount that exceeds,
8 as a result of a wage survey adjustment, the rate
9 payable under paragraph (1) by more than the sum
10 of—

11 (A) the percentage adjustment taking ef-
12 fect in fiscal year 2011 under section 5303 of
13 title 5, United States Code, in the rates of pay
14 under the General Schedule; and

15 (B) the difference between the overall aver-
16 age percentage of the locality-based com-
17 parability payments taking effect in fiscal year
18 2011 under section 5304 of such title (whether
19 by adjustment or otherwise), and the overall av-
20 erage percentage of such payments which was
21 effective in the previous fiscal year under such
22 section.

23 (b) Notwithstanding any other provision of law, no
24 prevailing rate employee described in subparagraph (B) or
25 (C) of section 5342(a)(2) of title 5, U.S.C., and no em-

1 ployee covered by section 5348 of such title, may be paid
2 during the periods for which subsection (a) is in effect at
3 a rate that exceeds the rates that would be payable under
4 subsection (a) were subsection (a) applicable to such em-
5 ployee.

6 (c) For the purposes of this section, the rates payable
7 to an employee who is covered by this section and who
8 is paid from a schedule not in existence on September 30,
9 2010, shall be determined under regulations prescribed by
10 the Office of Personnel Management (OPM).

11 (d) Notwithstanding any other provision of law, rates
12 of premium pay for employees subject to this section may
13 not be changed from the rates in effect on September 30,
14 2010, except to the extent determined by OPM to be con-
15 sistent with the purpose of this section.

16 (e) This section shall apply with respect to pay for
17 service performed after September 30, 2010.

18 (f) For the purpose of administering any provision
19 of law (including any rule or regulation that provides pre-
20 mium pay, retirement, life insurance, or any other em-
21 ployee benefit) that requires any deduction or contribu-
22 tion, or that imposes any requirement or limitation on the
23 basis of a rate of salary or basic pay, the rate of salary
24 or basic pay payable after the application of this section
25 shall be treated as the rate of salary or basic pay.

1 (g) Nothing in this section shall be considered to per-
2 mit or require the payment to any employee covered by
3 this section at a rate in excess of the rate that would be
4 payable were this section not in effect.

5 (h) OPM may provide for exceptions to the limita-
6 tions imposed by this section if OPM determines that such
7 exceptions are necessary to ensure the recruitment or re-
8 tention of qualified employees.

9 SEC. 711. During the period in which the head of
10 any department or agency, or any other officer or civilian
11 employee of the Federal Government appointed by the
12 President of the United States, holds office, no funds may
13 be obligated or expended in excess of \$5,000 to furnish
14 or redecorate the office of such department head, agency
15 head, officer, or employee, or to purchase furniture or
16 make improvements for any such office, unless advance
17 notice of such furnishing or redecoration is transmitted
18 to the Committees on Appropriations. For the purposes
19 of this section, the term "office" shall include the entire
20 suite of offices assigned to the individual, as well as any
21 other space used primarily by the individual or the use
22 of which is directly controlled by the individual.

23 SEC. 712. Notwithstanding section 31 U.S.C. 1346,
24 or section 708 of this Act, funds made available for the
25 current fiscal year by this or any other Act shall be avail-

1 able for the interagency funding of national security and
2 emergency preparedness telecommunications initiatives
3 which benefit multiple Federal departments, agencies, or
4 entities, as provided by Executive Order No. 12472 (April
5 3, 1984).

6 SEC. 713. (a) None of the funds appropriated by this
7 or any other Act may be obligated or expended by any
8 Federal department, agency, or other instrumentality for
9 the salaries or expenses of any employee appointed to a
10 position of a confidential or policy-determining character
11 excepted from the competitive service pursuant to 5
12 U.S.C. 3302, without a certification to OPM from the
13 head of the Federal department, agency, or other instru-
14 mentality employing the Schedule C appointee that the
15 Schedule C position was not created solely or primarily
16 in order to detail the employee to the White House.

17 (b) The provisions of this section shall not apply to
18 Federal employees or members of the armed forces de-
19 tailed to or from—

- 20 (1) the Central Intelligence Agency;
- 21 (2) the National Security Agency;
- 22 (3) the Defense Intelligence Agency;
- 23 (4) the National Geospatial-Intelligence Agency;

1 (5) the offices within the Department of De-
2 fense for the collection of specialized national foreign
3 intelligence through reconnaissance programs;

4 (6) the Bureau of Intelligence and Research of
5 the Department of State;

6 (7) any agency, office, or unit of the Army,
7 Navy, Air Force, and Marine Corps, the Department
8 of Homeland Security, the Federal Bureau of Inves-
9 tigation and the Drug Enforcement Administration
10 of the Department of Justice, the Department of
11 Transportation, the Department of the Treasury,
12 and the Department of Energy performing intel-
13 ligence functions; and

14 (8) the Director of National Intelligence or the
15 Office of the Director of National Intelligence.

16 SEC. 714. No part of any appropriation contained in
17 this or any other Act shall be available for the payment
18 of the salary of any officer or employee of the Federal
19 Government, who—

20 (1) prohibits or prevents, or attempts or threat-
21 ens to prohibit or prevent, any other officer or em-
22 ployee of the Federal Government from having any
23 direct oral or written communication or contact with
24 any Member, committee, or subcommittee of the
25 Congress in connection with any matter pertaining

1 to the employment of such other officer or employee
2 or pertaining to the department or agency of such
3 other officer or employee in any way, irrespective of
4 whether such communication or contact is at the ini-
5 tiative of such other officer or employee or in re-
6 sponse to the request or inquiry of such Member,
7 committee, or subcommittee; or

8 (2) removes, suspends from duty without pay,
9 demotes, reduces in rank, seniority, status, pay, or
10 performance or efficiency rating, denies promotion
11 to, relocates, reassigns, transfers, disciplines, or dis-
12 criminates in regard to any employment right, enti-
13 tlement, or benefit, or any term or condition of em-
14 ployment of, any other officer or employee of the
15 Federal Government, or attempts or threatens to
16 commit any of the foregoing actions with respect to
17 such other officer or employee, by reason of any
18 communication or contact of such other officer or
19 employee with any Member, committee, or sub-
20 committee of the Congress as described in paragraph
21 (1).

22 SEC. 715. (a) None of the funds made available in
23 this or any other Act may be obligated or expended for
24 any employee training that—

1 (1) does not meet identified needs for knowl-
2 edge, skills, and abilities bearing directly upon the
3 performance of official duties;

4 (2) contains elements likely to induce high lev-
5 els of emotional response or psychological stress in
6 some participants;

7 (3) does not require prior employee notification
8 of the content and methods to be used in the train-
9 ing and written end of course evaluation;

10 (4) contains any methods or content associated
11 with religious or quasi-religious belief systems or
12 “new age” belief systems as defined in Equal Em-
13 ployment Opportunity Commission Notice N-
14 915.022, dated September 2, 1988; or

15 (5) is offensive to, or designed to change, par-
16 ticipants—personal values or lifestyle outside the
17 workplace.

18 (b) Nothing in this section shall prohibit, restrict, or
19 otherwise preclude an agency from conducting training
20 bearing directly upon the performance of official duties.

21 SEC. 716. No funds appropriated in this or any other
22 Act may be used to implement or enforce the agreements
23 in Standard Forms 312 and 4414 of the Government or
24 any other nondisclosure policy, form, or agreement if such
25 policy, form, or agreement does not contain the following

1 provisions: “These restrictions are consistent with and do
2 not supersede, conflict with, or otherwise alter the em-
3 ployee obligations, rights, or liabilities created by Execu-
4 tive Order No. 12958; 5 U.S.C. 7211 (governing disclo-
5 sures to Congress); 10 U.S.C. 1034, as amended by the
6 Military Whistleblower Protection Act (governing disclo-
7 sure to Congress by members of the military); 5 U.S.C.
8 2302(b)(8), as amended by the Whistleblower Protection
9 Act of 1989 (governing disclosures of illegality, waste,
10 fraud, abuse or public health or safety threats); the Intel-
11 ligence Identities Protection Act of 1982 (50 U.S.C. 421
12 et seq.) (governing disclosures that could expose confiden-
13 tial Government agents); and the statutes which protect
14 against disclosure that may compromise the national secu-
15 rity, including sections 641, 793, 794, 798, and 952 of
16 title 18, U.S.C., and section 4(b) of the Subversive Activi-
17 ties Act of 1950 (50 U.S.C. 783(b)). The definitions, re-
18 quirements, obligations, rights, sanctions, and liabilities
19 created by said Executive order and listed statutes are in-
20 corporated into this agreement and are controlling.”: *Pro-*
21 *vided*, That notwithstanding the preceding paragraph, a
22 nondisclosure policy form or agreement that is to be exe-
23 cuted by a person connected with the conduct of an intel-
24 ligence or intelligence-related activity, other than an em-
25 ployee or officer of the United States Government, may

1 contain provisions appropriate to the particular activity
2 for which such document is to be used. Such form or
3 agreement shall, at a minimum, require that the person
4 will not disclose any classified information received in the
5 course of such activity unless specifically authorized to do
6 so by the United States Government. Such nondisclosure
7 forms shall also make it clear that they do not bar disclo-
8 sures to Congress, or to an authorized official of an execu-
9 tive agency or the Department of Justice, that are essen-
10 tial to reporting a substantial violation of law.

11 SEC. 717. No part of any funds appropriated in this
12 or any other Act shall be used by an agency of the execu-
13 tive branch, other than for normal and recognized execu-
14 tive-legislative relationships, for publicity or propaganda
15 purposes, and for the preparation, distribution or use of
16 any kit, pamphlet, booklet, publication, radio, television,
17 or film presentation designed to support or defeat legisla-
18 tion pending before the Congress, except in presentation
19 to the Congress itself.

20 SEC. 718. None of the funds appropriated by this or
21 any other Act may be used by an agency to provide a Fed-
22 eral employee's home address to any labor organization
23 except when the employee has authorized such disclosure
24 or when such disclosure has been ordered by a court of
25 competent jurisdiction.

1 SEC. 719. None of the funds made available in this
2 Act or any other Act may be used to provide any non-
3 public information such as mailing or telephone lists to
4 any person or any organization outside of the Federal
5 Government without the approval of the Committees on
6 Appropriations.

7 SEC. 720. No part of any appropriation contained in
8 this or any other Act shall be used directly or indirectly,
9 including by private contractor, for publicity or propa-
10 ganda purposes within the United States not heretofore
11 authorized by the Congress.

12 SEC. 721. (a) In this section, the term “agency”—

13 (1) means an Executive agency, as defined
14 under 5 U.S.C. 105;

15 (2) includes a military department, as defined
16 under section 102 of such title, the Postal Service,
17 and the Postal Regulatory Commission; and

18 (3) shall not include the Government Account-
19 ability Office.

20 (b) Unless authorized in accordance with law or regu-
21 lations to use such time for other purposes, an employee
22 of an agency shall use official time in an honest effort
23 to perform official duties. An employee not under a leave
24 system, including a Presidential appointee exempted under
25 5 U.S.C. 6301(2), has an obligation to expend an honest

1 effort and a reasonable proportion of such employee's time
2 in the performance of official duties.

3 SEC. 722. Notwithstanding 31 U.S.C. 1346 and sec-
4 tion 708 of this Act, funds made available for the current
5 fiscal year by this or any other Act to any department
6 or agency, which is a member of the Federal Accounting
7 Standards Advisory Board (FASAB), shall be available to
8 finance an appropriate share of FASAB administrative
9 costs.

10 SEC. 723. Notwithstanding any other provision of
11 law, a woman may breastfeed her child at any location
12 in a Federal building or on Federal property, if the woman
13 and her child are otherwise authorized to be present at
14 the location.

15 SEC. 724. Notwithstanding 31 U.S.C. 1346, or sec-
16 tion 708 of this Act, funds made available for the current
17 fiscal year by this or any other Act shall be available for
18 the interagency funding of specific projects, workshops,
19 studies, and similar efforts to carry out the purposes of
20 the National Science and Technology Council (authorized
21 by Executive Order No. 12881), which benefit multiple
22 Federal departments, agencies, or entities: *Provided*, That
23 the Office of Management and Budget (OMB) shall pro-
24 vide a report describing the budget of and resources con-
25 nected with the National Science and Technology Council

1 to the Committees on Appropriations, the House Com-
2 mittee on Science and Technology, and the Senate Com-
3 mittee on Commerce, Science, and Transportation 90 days
4 after enactment of this Act.

5 SEC. 725. Any request for proposals, solicitation,
6 grant application, form, notification, press release, or
7 other publications involving the distribution of Federal
8 funds shall indicate the agency providing the funds, the
9 Catalog of Federal Domestic Assistance Number, as appli-
10 cable, and the amount provided: *Provided*, That this provi-
11 sion shall apply to direct payments, formula funds, and
12 grants received by a State receiving Federal funds.

13 SEC. 726. (a) PROHIBITION OF FEDERAL AGENCY
14 MONITORING OF INDIVIDUALS' INTERNET USE.—None of
15 the funds made available in this or any other Act may
16 be used by any Federal agency—

17 (1) to collect, review, or create any aggregation
18 of data, derived from any means, that includes any
19 personally identifiable information relating to an in-
20 dividual's access to or use of any Federal Govern-
21 ment Internet site of the agency; or

22 (2) to enter into any agreement with a third
23 party (including another government agency) to col-
24 lect, review, or obtain any aggregation of data, de-
25 rived from any means, that includes any personally

1 identifiable information relating to an individual's
2 access to or use of any nongovernmental Internet
3 site.

4 (b) EXCEPTIONS.—The limitations established in
5 subsection (a) shall not apply to—

6 (1) any record of aggregate data that does not
7 identify particular persons;

8 (2) any voluntary submission of personally iden-
9 tifiable information;

10 (3) any action taken for law enforcement, regu-
11 latory, or supervisory purposes, in accordance with
12 applicable law; or

13 (4) any action described in subsection (a)(1)
14 that is a system security action taken by the oper-
15 ator of an Internet site and is necessarily incident
16 to providing the Internet site services or to pro-
17 tecting the rights or property of the provider of the
18 Internet site.

19 (c) DEFINITIONS.—For the purposes of this section:

20 (1) The term “regulatory” means agency ac-
21 tions to implement, interpret or enforce authorities
22 provided in law.

23 (2) The term “supervisory” means examina-
24 tions of the agency’s supervised institutions, includ-
25 ing assessing safety and soundness, overall financial

1 condition, management practices and policies and
2 compliance with applicable standards as provided in
3 law.

4 SEC. 727. (a) None of the funds appropriated by this
5 Act may be used to enter into or renew a contract which
6 includes a provision providing prescription drug coverage,
7 except where the contract also includes a provision for con-
8 traceptive coverage.

9 (b) Nothing in this section shall apply to a contract
10 with—

11 (1) any of the following religious plans:

12 (A) Personal Care's HMO; and

13 (B) OSF HealthPlans, Inc.; and

14 (2) any existing or future plan, if the carrier
15 for the plan objects to such coverage on the basis of
16 religious beliefs.

17 (c) In implementing this section, any plan that enters
18 into or renews a contract under this section may not sub-
19 ject any individual to discrimination on the basis that the
20 individual refuses to prescribe or otherwise provide for
21 contraceptives because such activities would be contrary
22 to the individual's religious beliefs or moral convictions.

23 (d) Nothing in this section shall be construed to re-
24 quire coverage of abortion or abortion-related services.

1 SEC. 728. The Congress of the United States recog-
2 nizes the United States Anti-Doping Agency (USADA) as
3 the official anti-doping agency for Olympic, Pan Amer-
4 ican, and Paralympic sport in the United States.

5 SEC. 729. Notwithstanding any other provision of
6 law, funds appropriated for official travel by Federal de-
7 partments and agencies may be used by such departments
8 and agencies, if consistent with OMB Circular A-126 re-
9 garding official travel for Government personnel, to par-
10 ticipate in the fractional aircraft ownership pilot program.

11 SEC. 730. Notwithstanding any other provision of
12 law, none of the funds appropriated or made available
13 under this Act or any other appropriations Act may be
14 used to implement or enforce restrictions or limitations on
15 the Coast Guard Congressional Fellowship Program, or to
16 implement the proposed regulations of OPM to add sec-
17 tions 300.311 through 300.316 to part 300 of title 5 of
18 the Code of Federal Regulations, published in the Federal
19 Register, volume 68, number 174, on September 9, 2003
20 (relating to the detail of executive branch employees to
21 the legislative branch).

22 SEC. 731. Notwithstanding any other provision of
23 law, no executive branch agency shall purchase, construct,
24 and/or lease any additional facilities, except within or con-
25 tiguous to existing locations, to be used for the purpose

1 of conducting Federal law enforcement training without
2 the advance approval of the Committees on Appropria-
3 tions, except that the Federal Law Enforcement Training
4 Center is authorized to obtain the temporary use of addi-
5 tional facilities by lease, contract, or other agreement for
6 training which cannot be accommodated in existing Center
7 facilities.

8 SEC. 732. (a) For fiscal year 2011, no funds shall
9 be available for transfers or reimbursements to the E-Gov-
10 ernment initiatives sponsored by OMB prior to 15 days
11 following submission of a report to the Committees on Ap-
12 propriations by the Director of OMB and receipt of ap-
13 proval to transfer funds by the Committees on Appropria-
14 tions.

15 (b) The report in subsection (a) and other required
16 justification materials shall include at a minimum—

17 (1) a description of each initiative including but
18 not limited to its objectives, benefits, development
19 status, risks, cost effectiveness (including estimated
20 net costs or savings to the government), and the es-
21 timated date of full operational capability;

22 (2) the total development cost of each initiative
23 by fiscal year including costs to date, the estimated
24 costs to complete its development to full operational

1 capability, and estimated annual operations and
2 maintenance costs; and

3 (3) the sources and distribution of funding by
4 fiscal year and by agency and bureau for each initia-
5 tive including agency contributions to date and esti-
6 mated future contributions by agency.

7 (c) No funds shall be available for obligation or ex-
8 penditure for new E-Government initiatives without the
9 explicit approval of the Committees on Appropriations.

10 SEC. 733. Notwithstanding 31 U.S.C. 1346 and sec-
11 tion 708 of this Act and any other provision of law, the
12 head of each appropriate executive department and agency
13 shall transfer to or reimburse the United States Fish and
14 Wildlife Service, upon the direction of the Director of
15 OMB, funds made available by this or any other Act for
16 the purposes described below, and shall submit budget re-
17 quests for such purposes. These funds shall be adminis-
18 tered by the U.S. Fish and Wildlife Service, in consulta-
19 tion with the appropriate interagency groups designated
20 by the Director and shall be used to ensure the uninter-
21 rupted, continuous operation of the Midway Atoll Airfield
22 by the U.S. Fish and Wildlife Service pursuant to an oper-
23 ational agreement with the Federal Aviation Administra-
24 tion for the entirety of fiscal year 2011 and any period
25 thereafter that precedes the enactment of the Financial

1 Services and General Government Appropriations Act,
2 2012. The Director of OMB shall mandate the necessary
3 transfers after determining an equitable allocation be-
4 tween the appropriate executive departments and agencies
5 of the responsibility for funding the continuous operation
6 of the Midway Atoll Airfield based on, but not limited to,
7 potential use, interest in maintaining aviation safety, and
8 applicability to governmental operations and agency mis-
9 sion. The total funds transferred or reimbursed shall not
10 exceed \$6,000,000 for any 12-month period. Such sums
11 shall be sufficient to ensure continued operation of the air-
12 field throughout the period cited above. Funds shall be
13 available for operation of the airfield or airfield-related
14 capital upgrades. The Director of OMB shall notify the
15 Committees on Appropriations of such transfers or reim-
16 bursements within 15 days of this Act. Such transfers or
17 reimbursements shall begin within 30 days of enactment
18 of this Act.

19 SEC. 734. None of the funds appropriated or other-
20 wise made available by this or any other Act may be used
21 to begin or announce a study or public-private competition
22 regarding the conversion to contractor performance of any
23 function performed by Federal employees pursuant to
24 OMB Circular A-76 or any other administrative regula-
25 tion, directive, or policy.

1 SEC. 735. Unless otherwise authorized by existing
2 law, none of the funds provided in this Act or any other
3 Act may be used by an executive branch agency to produce
4 any prepackaged news story intended for broadcast or dis-
5 tribution in the United States, unless the story includes
6 a clear notification within the text or audio of the pre-
7 packaged news story that the prepackaged news story was
8 prepared or funded by that executive branch agency.

9 SEC. 736. None of the funds made available in this
10 Act may be used in contravention of 5 U.S.C. 552a (popu-
11 larly known as the Privacy Act) and regulations imple-
12 menting that section.

13 SEC. 737. Each executive department and agency
14 shall evaluate the creditworthiness of an individual before
15 issuing the individual a government travel charge card.
16 Such evaluations for individually billed travel charge cards
17 shall include an assessment of the individual's consumer
18 report from a consumer reporting agency as those terms
19 are defined in section 603 of the Fair Credit Reporting
20 Act (Public Law 91-508): *Provided*, That the department
21 or agency may not issue a government travel charge card
22 to an individual that either lacks a credit history or is
23 found to have an unsatisfactory credit history as a result
24 of this evaluation: *Provided further*, That this restriction
25 shall not preclude issuance of a restricted-use charge,

1 debit, or stored value card made in accordance with agency
2 procedures to: (1) an individual with an unsatisfactory
3 credit history where such card is used to pay travel ex-
4 penses and the agency determines there is no suitable al-
5 ternative payment mechanism available before issuing the
6 card; or (2) an individual who lacks a credit history. Each
7 executive department and agency shall establish guidelines
8 and procedures for disciplinary actions to be taken against
9 agency personnel for improper, fraudulent, or abusive use
10 of government charge cards, which shall include appro-
11 priate disciplinary actions for use of charge cards for pur-
12 poses, and at establishments, that are inconsistent with
13 the official business of the Department or agency or with
14 applicable standards of conduct.

15 SEC. 738. (a) DEFINITIONS.—For purposes of this
16 section the following definitions apply:

17 (1) GREAT LAKES.—The terms “Great Lakes”
18 and “Great Lakes State” have the same meanings
19 as such terms have in section 506 of the Water Re-
20 sources Development Act of 2000 (42 U.S.C.
21 1962d–22).

22 (2) GREAT LAKES RESTORATION ACTIVITIES.—
23 The term “Great Lakes restoration activities”
24 means any Federal or State activity primarily or en-
25 tirely within the Great Lakes watershed that seeks

1 to improve the overall health of the Great Lakes eco-
2 system.

3 (b) REPORT.—Not later than 45 days after submis-
4 sion of the budget of the President to Congress, the Direc-
5 tor of OMB, in coordination with the Governor of each
6 Great Lakes State and the Great Lakes Interagency Task
7 Force, shall submit to the appropriate authorizing and ap-
8 propriating committees of the Senate and the House of
9 Representatives a financial report, certified by the Sec-
10 retary of each agency that has budget authority for Great
11 Lakes restoration activities, containing—

12 (1) an interagency budget crosscut report
13 that—

14 (A) displays the budget proposed, including
15 any planned interagency or intra-agency trans-
16 fer, for each of the Federal agencies that car-
17 ries out Great Lakes restoration activities in
18 the upcoming fiscal year, separately reporting
19 the amount of funding to be provided under ex-
20 isting laws pertaining to the Great Lakes eco-
21 system; and

22 (B) identifies all expenditures since fiscal
23 year 2004 by the Federal Government and
24 State governments for Great Lakes restoration
25 activities;

1 (2) a detailed accounting of all funds received
2 and obligated by all Federal agencies and, to the ex-
3 tent available, State agencies using Federal funds,
4 for Great Lakes restoration activities during the cur-
5 rent and previous fiscal years;

6 (3) a budget for the proposed projects (includ-
7 ing a description of the project, authorization level,
8 and project status) to be carried out in the upcom-
9 ing fiscal year with the Federal portion of funds for
10 activities; and

11 (4) a listing of all projects to be undertaken in
12 the upcoming fiscal year with the Federal portion of
13 funds for activities.

14 SEC. 739. (a) IN GENERAL.—None of the funds ap-
15 propriated or otherwise made available by this or any
16 other Act may be used for any Federal Government con-
17 tract with any foreign incorporated entity which is treated
18 as an inverted domestic corporation under section 835(b)
19 of the Homeland Security Act of 2002 (6 U.S.C. 395(b))
20 or any subsidiary of such an entity.

21 (b) WAIVERS.—

22 (1) IN GENERAL.—Any Secretary shall waive
23 subsection (a) with respect to any Federal Govern-
24 ment contract under the authority of such Secretary

1 if the Secretary determines that the waiver is re-
2 quired in the interest of national security.

3 (2) REPORT TO CONGRESS.—Any Secretary
4 issuing a waiver under paragraph (1) shall report
5 such issuance to Congress.

6 (c) EXCEPTION.—This section shall not apply to any
7 Federal Government contract entered into before the date
8 of the enactment of this Act, or to any task order issued
9 pursuant to such contract.

10 SEC. 740. None of the funds made available by this
11 or any other Act may be used to implement, administer,
12 enforce, or apply the rule entitled “Competitive Area”
13 published by OPM in the Federal Register on April 15,
14 2008 (73 Fed. Reg. 20180 et seq.).

15 SEC. 741. Section 743 of the Consolidated Appropria-
16 tions Act, 2010 (Public Law 111–117; 31 U.S.C. 501
17 note) is amended—

18 (1) in subsection (a)(3), by inserting after “ex-
19 ercise of an option” the following: “, and task orders
20 issued under any such contract,”;

21 (2) in subsection (a)(3)(G), by inserting before
22 the period at the end the following: “, using direct
23 labor hours and associated cost data collected from
24 contractors”;

1 (3) in subsection (e)(2)(B), by striking the text
2 and inserting the following: “the contracts exclude to
3 the maximum extent practicable functions that are
4 closely associated with inherently governmental func-
5 tions;”; and

6 (4) by redesignating subsections (h) and (i) as
7 subsections (i) and (j) and by inserting after sub-
8 section (g) the following new subsection:

9 “(h) SUBMISSION OF REPORT ON ACTIONS TAKEN
10 BEFORE PUBLIC-PRIVATE COMPETITION MAY OCCUR.—
11 An executive agency may not begin, plan for, or announce
12 a study or public-private competition regarding the con-
13 version to contractor performance of any function per-
14 formed by Federal employees pursuant to OMB Circular
15 A-76 or any other administrative regulation or directive
16 until after that agency has submitted to OMB a report,
17 pursuant to subsection (f), that includes actions taken to
18 convert from contractor to Federal employee performance
19 functions that are not inherently governmental, closely as-
20 sociated with governmental functions, critical, or should
21 not otherwise be reserved for performance by Federal em-
22 ployees. This subsection shall take effect beginning with
23 the report required under subsection (f) that is included
24 as an attachment to the annual inventory due by Decem-
25 ber 31, 2011.”.

1 SEC. 742. (a) The Vice President may not receive a
2 pay rate increase in calendar year 2011, notwithstanding
3 3 U.S.C. 104 or any other provision of law.

4 (b) An individual serving in an Executive Schedule
5 position, or in a position for which the rate of pay is fixed
6 by statute at an Executive Schedule rate, may not receive
7 a pay rate increase in calendar year 2011, notwith-
8 standing schedule adjustments made under 5 U.S.C.
9 5318, or any other provision of law, except as provided
10 in subsection (g) or (h). The preceding sentence applies
11 only to individuals who are holding a position in which
12 they serve at the pleasure of the President or other ap-
13 pointing official.

14 (c) A chief of mission or ambassador at large may
15 not receive a pay rate increase in calendar year 2011, not-
16 withstanding section 401 of the Foreign Service Act of
17 1980 (Public Law 96–465) or any other provision of law,
18 except as provided in subsection (g) or (h).

19 (d) A noncareer appointee in the Senior Executive
20 Service may not receive a pay rate increase in calendar
21 year 2011, notwithstanding sections 5382 and 5383 of
22 title 5, U.S.C.

23 (e) Any employee paid a rate of basic pay (including
24 locality-based payments under 5 U.S.C. 5304 or similar
25 authority) at or above level IV of the Executive Schedule

1 who serves at the pleasure of the appointing official may
2 not receive a pay rate increase in calendar year 2011, not-
3 withstanding any other provision of law, except as pro-
4 vided in subsection (g) or (h). This subsection does not
5 apply to employees in the General Schedule pay system
6 or the Foreign Service pay system, or to employees ap-
7 pointed under 5 U.S.C. 3161, or to employees in another
8 pay system whose position would be classified at GS-15
9 or below if chapter 51 of title 5, U.S.C., applied to them.

10 (f) Nothing in this section shall prevent employees
11 who do not serve at the pleasure of the appointing official
12 from receiving pay increases as otherwise provided under
13 applicable law.

14 (g) A career appointee in the Senior Executive Serv-
15 ice who receives a Presidential appointment and who
16 makes an election to retain Senior Executive Service basic
17 pay entitlements under 5 U.S.C. 3392, is not subject to
18 this section.

19 (h) A member of Senior Foreign Service who receives
20 a Presidential appointment to any position in the executive
21 branch and who makes an election to retain Senior For-
22 eign Service pay entitlements under section 302(b) of the
23 Foreign Service Act of 1980 (Public Law 96-465) is not
24 subject to this section.

1 SEC. 743. Except as expressly provided otherwise,
2 any reference to “this Act” contained in any title other
3 than title IV or VIII shall not apply to such title IV or
4 VIII.

5 SEC. 744. (a) STUDY.—The Comptroller General of
6 the United States shall conduct a study of the feasibility
7 of allowing agencies of the Federal Government to impose
8 convenience fees for the use of credit cards for the pur-
9 chase of goods or services by individuals or businesses
10 from Federal agencies, where such convenience fees would
11 be designed to recover the cost to the Federal agency of
12 accepting credit card payments.

13 (b) CONSIDERATIONS.—In conducting the study re-
14 quired by subsection (a), the Comptroller General shall
15 take into consideration—

16 (1) the impact of convenience fees on con-
17 sumers;

18 (2) the extent to which convenience fees would
19 affect the ability of smaller financial institutions and
20 credit unions to offer basic banking and other serv-
21 ices, as well as compete against larger financial in-
22 stitutions; and

23 (3) the impact of convenience fees on Federal
24 agencies and departments.

1 (c) REPORT.—Not later than 180 days after the date
2 of enactment of this Act, the Comptroller General shall
3 submit a report to Congress on the results of the study
4 required by this section.

5 TITLE VIII

6 GENERAL PROVISIONS—DISTRICT OF

7 COLUMBIA

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 801. Whenever in this Act, an amount is speci-
10 fied within an appropriation for particular purposes or ob-
11 jects of expenditure, such amount, unless otherwise speci-
12 fied, shall be considered as the maximum amount that
13 may be expended for said purpose or object rather than
14 an amount set apart exclusively therefor.

15 SEC. 802. Appropriations in this Act shall be avail-
16 able for expenses of travel and for the payment of dues
17 of organizations concerned with the work of the District
18 of Columbia government, when authorized by the Mayor,
19 or, in the case of the Council of the District of Columbia,
20 funds may be expended with the authorization of the
21 Chairman of the Council.

22 SEC. 803. There are appropriated from the applicable
23 funds of the District of Columbia such sums as may be
24 necessary for making refunds and for the payment of legal

1 settlements or judgments that have been entered against
2 the District of Columbia government.

3 SEC. 804. (a) None of the Federal funds provided in
4 this Act shall be used for publicity or propaganda purposes
5 or implementation of any policy including boycott designed
6 to support or defeat legislation pending before Congress
7 or any State legislature.

8 (b) The District of Columbia may use local funds pro-
9 vided in this title to carry out lobbying activities on any
10 matter.

11 SEC. 805. (a) None of the Federal funds provided
12 under this Act to the agencies funded by this Act, both
13 Federal and District government agencies, that remain
14 available for obligation or expenditure in fiscal year 2011,
15 or provided from any accounts in the Treasury of the
16 United States derived by the collection of fees available
17 to the agencies funded by this Act, shall be available for
18 obligation or expenditures for an agency through a re-
19 programming of funds which—

20 (1) creates new programs;

21 (2) eliminates a program, project, or responsi-
22 bility center;

23 (3) establishes or changes allocations specifi-
24 cally denied, limited or increased under this Act;

1 (4) increases funds or personnel by any means
2 for any program, project, or responsibility center for
3 which funds have been denied or restricted;

4 (5) re-establishes any program or project pre-
5 viously deferred through reprogramming;

6 (6) augments any existing program, project, or
7 responsibility center through a reprogramming of
8 funds in excess of \$3,000,000 or 10 percent, which-
9 ever is less; or

10 (7) increases by 20 percent or more personnel
11 assigned to a specific program, project or responsi-
12 bility center,

13 unless the Committees on Appropriations are notified in
14 writing 15 days in advance of the reprogramming.

15 (b) The District of Columbia government is author-
16 ized to approve and execute reprogramming and transfer
17 requests of local funds under this title through November
18 1, 2011.

19 SEC. 806. Consistent with the provisions of 31 U.S.C.
20 1301(a), appropriations under this Act shall be applied
21 only to the objects for which the appropriations were made
22 except as otherwise provided by law.

23 SEC. 807. None of the Federal funds provided in this
24 Act may be used by the District of Columbia to provide
25 for salaries, expenses, or other costs associated with the

1 offices of United States Senator or United States Rep-
2 resentative under section 4(d) of the District of Columbia
3 Statehood Constitutional Convention Initiatives of 1979
4 (D.C. Law 3-171; D.C. Official Code, sec. 1-123).

5 SEC. 808. Except as otherwise provided in this sec-
6 tion, none of the funds made available by this Act or by
7 any other Act may be used to provide any officer or em-
8 ployee of the District of Columbia with an official vehicle
9 unless the officer or employee uses the vehicle only in the
10 performance of the officer's or employee's official duties.
11 For purposes of this section, the term "official duties"
12 does not include travel between the officer's or employee's
13 residence and workplace, except in the case of—

14 (1) an officer or employee of the Metropolitan
15 Police Department who resides in the District of Co-
16 lumbia or a District of Columbia government em-
17 ployee as may otherwise be designated by the Chief
18 of the Department;

19 (2) at the discretion of the Fire Chief, an offi-
20 cer or employee of the District of Columbia Fire and
21 Emergency Medical Services Department who re-
22 sides in the District of Columbia and is on call 24
23 hours a day or is otherwise designated by the Fire
24 Chief;

1 (3) at the discretion of the Director of the De-
2 partment of Corrections, an officer or employee of
3 the District of Columbia Department of Corrections
4 who resides in the District of Columbia and is on
5 call 24 hours a day or is otherwise designated by the
6 Director;

7 (4) the Mayor of the District of Columbia; and

8 (5) the Chairman of the Council of the District
9 of Columbia.

10 SEC. 809. (a) None of the Federal funds contained
11 in this Act may be used by the District of Columbia Attor-
12 ney General or any other officer or entity of the District
13 government to provide assistance for any petition drive or
14 civil action which seeks to require Congress to provide for
15 voting representation in Congress for the District of Co-
16 lumbia.

17 (b) Nothing in this section bars the District of Co-
18 lumbia Attorney General from reviewing or commenting
19 on briefs in private lawsuits, or from consulting with offi-
20 cials of the District government regarding such lawsuits.

21 SEC. 810. None of the Federal funds contained in
22 this Act may be used to distribute any needle or syringe
23 for the purpose of preventing the spread of blood borne
24 pathogens in any location that has been determined by the

1 local public health or local law enforcement authorities to
2 be inappropriate for such distribution.

3 SEC. 811. Nothing in this Act may be construed to
4 prevent the Council or Mayor of the District of Columbia
5 from addressing the issue of the provision of contraceptive
6 coverage by health insurance plans, but it is the intent
7 of Congress that any legislation enacted on such issue
8 should include a “conscience clause” which provides excep-
9 tions for religious beliefs and moral convictions.

10 SEC. 812. The Mayor of the District of Columbia
11 shall submit to the Committees on Appropriations, the
12 House Committee on Oversight and Government Reform,
13 and the Senate Committee on Homeland Security and
14 Governmental Affairs annual reports addressing—

15 (1) crime, including the homicide rate, imple-
16 mentation of community policing, the number of po-
17 lice officers on local beats, and the closing down of
18 open-air drug markets;

19 (2) access to substance and alcohol abuse treat-
20 ment, including the number of treatment slots, the
21 number of people served, the number of people on
22 waiting lists, and the effectiveness of treatment pro-
23 grams, the retention rates in treatment programs,
24 and the recidivism/re-arrest rates for treatment par-
25 ticipants;

1 (3) management of parolees and pre-trial vio-
2 lent offenders, including the number of halfway
3 houses escapes and steps taken to improve moni-
4 toring and supervision of halfway house residents to
5 reduce the number of escapes to be provided in con-
6 sultation with the Court Services and Offender Su-
7 pervision Agency for the District of Columbia;

8 (4) education, including access to special edu-
9 cation services and student achievement to be pro-
10 vided in consultation with the District of Columbia
11 Public Schools and the District of Columbia public
12 charter schools, repeated grade rates, high school
13 graduation rates, post-secondary education attend-
14 ance rates, and teen pregnancy rates;

15 (5) improvement in basic District services, in-
16 cluding rat control and abatement;

17 (6) application for and management of Federal
18 grants, including the number and type of grants for
19 which the District was eligible but failed to apply
20 and the number and type of grants awarded to the
21 District but for which the District failed to spend
22 the amounts received;

23 (7) indicators of child and family well-being in-
24 cluding child living arrangements by family struc-
25 ture, number of children aging out of foster care,

1 poverty rates by family structure, crime by family
2 structure, marriage rates by income quintile, and
3 out-of-wedlock births; and

4 (8) employment, including job status and par-
5 ticipation in assistance programs by income, edu-
6 cation and family structure.

7 SEC. 813. None of the Federal funds contained in
8 this Act may be used to enact or carry out any law, rule,
9 or regulation to legalize or otherwise reduce penalties asso-
10 ciated with the possession, use, or distribution of any
11 schedule I substance under the Controlled Substances Act
12 (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols de-
13 rivative.

14 SEC. 814. None of the Federal funds appropriated
15 under this Act shall be expended for any abortion except
16 where the life of the mother would be endangered if the
17 fetus were carried to term or where the pregnancy is the
18 result of an act of rape or incest.

19 SEC. 815. (a) No later than 30 calendar days after
20 the date of the enactment of this Act, the Chief Financial
21 Officer for the District of Columbia shall submit to the
22 appropriate committees of Congress, the Mayor, and the
23 Council of the District of Columbia, a revised appropriated
24 funds operating budget in the format of the budget that
25 the District of Columbia government submitted pursuant

1 to section 442 of the District of Columbia Home Rule Act
2 (D.C. Official Code, sec. 1–204.42), for all agencies of the
3 District of Columbia government for fiscal year 2011 that
4 is in the total amount of the approved appropriation and
5 that realigns all budgeted data for personal services and
6 other-than-personal services, respectively, with anticipated
7 actual expenditures.

8 (b) This section shall apply only to an agency for
9 which the Chief Financial Officer for the District of Co-
10 lumbia certifies that a reallocation is required to address
11 unanticipated changes in program requirements.

12 SEC. 816. No later than 30 calendar days after the
13 date of the enactment of this Act, the Chief Financial Offi-
14 cer for the District of Columbia shall submit to the appro-
15 priate committees of Congress, the Mayor, and the Council
16 for the District of Columbia, a revised appropriated funds
17 operating budget for the District of Columbia Public
18 Schools that aligns schools budgets to actual enrollment.
19 The revised appropriated funds budget shall be in the for-
20 mat of the budget that the District of Columbia govern-
21 ment submitted pursuant to section 442 of the District
22 of Columbia Home Rule Act (D.C. Official Code, Sec. 1–
23 204.42).

24 SEC. 817. Amounts appropriated in this Act as oper-
25 ating funds may be transferred to the District of Colum-

1 bia’s enterprise and capital funds and such amounts, once
2 transferred, shall retain appropriation authority consistent
3 with the provisions of this Act.

4 SEC. 818. Notwithstanding any other laws, for this
5 and succeeding fiscal years, the Director of the District
6 of Columbia Public Defender Service shall, to the extent
7 the Director considers appropriate, provide representation
8 for and hold harmless, or provide liability insurance for,
9 any person who is an employee, member of the Board of
10 Trustees, or officer of the District of Columbia Public De-
11 fender Service for money damages arising out of any
12 claim, proceeding, or case at law relating to the furnishing
13 of representational services or management services or re-
14 lated services while acting within the scope of that per-
15 son’s office or employment, including, but not limited to
16 such claims, proceedings, or cases at law involving employ-
17 ment actions, injury, loss of liberty, property damage, loss
18 of property, or personal injury, or death arising from mal-
19 practice or negligence of any such officer or employee.

20 SEC. 819. Section 346 of the District of Columbia
21 Appropriations Act, 2005 (Public Law 108–335) is
22 amended—

23 (1) in the title, by striking “BIENNIAL”;

24 (2) in subsection (a), by striking “Biennial
25 management” and inserting “Management”;

1 (3) in subsection (a), by striking “States.” and
2 inserting “States every five years.”; and

3 (4) in subsection (b)(6), by striking “2” and in-
4 serting “5”.

5 SEC. 820. Except as expressly provided otherwise,
6 any reference to “this Act” contained in this title or in
7 title IV shall be treated as referring only to the provisions
8 of this title or of title IV.

9 This division may be cited as the “Financial Services
10 and General Government Appropriations Act, 2011”.

11 **DIVISION F—DEPARTMENT OF HOME-**
12 **LAND SECURITY APPROPRIATIONS**
13 **ACT, 2011**

14 TITLE I

15 DEPARTMENTAL MANAGEMENT AND

16 OPERATIONS

17 OFFICE OF THE SECRETARY AND EXECUTIVE

18 MANAGEMENT

19 For necessary expenses of the Office of the Secretary
20 of Homeland Security, as authorized by section 102 of the
21 Homeland Security Act of 2002 (6 U.S.C. 112), and execu-
22 tive management of the Department of Homeland Secu-
23 rity, as authorized by law, \$150,126,000: *Provided*, That
24 not to exceed \$55,000 shall be for official reception and
25 representation expenses, of which \$15,000 shall be made

1 available to the Office of Policy for Visa Waiver Program
2 negotiations in Washington, DC, and for other inter-
3 national activities: *Provided further*, That all official costs
4 associated with the use of Government aircraft by Depart-
5 ment of Homeland Security personnel to support official
6 travel of the Secretary and the Deputy Secretary shall be
7 paid from amounts made available for the Immediate Of-
8 fice of the Secretary and the Immediate Office of the Dep-
9 uty Secretary: *Provided further*, That \$25,000,000 shall
10 not be available for obligation until the Secretary submits
11 to the Committees on Appropriations of the Senate and
12 the House of Representatives: (1) an expenditure plan for
13 the Office of Policy for fiscal year 2011; and (2) a com-
14 prehensive plan to initiate implementation of a biometric
15 air exit capability in fiscal year 2011, or a written certifi-
16 cation to the Congress that it is the position of the Admin-
17 istration that the statutory requirements for biometric air
18 exit be repealed.

19 OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

20 For necessary expenses of the Office of the Under
21 Secretary for Management, as authorized by sections 701
22 through 705 of the Homeland Security Act of 2002 (6
23 U.S.C. 341 through 345), \$242,233,000, of which not less
24 than \$500,000 shall be for logistics training; and of which
25 not to exceed \$3,000 shall be for official reception and

1 representation expenses: *Provided*, That of the total
2 amount made available under this heading, \$5,000,000
3 shall remain available until expended solely for the alter-
4 ation and improvement of facilities, tenant improvements,
5 and relocation costs to consolidate Department head-
6 quarters operations at the Nebraska Avenue Complex; and
7 \$14,641,000 shall remain available until expended for the
8 Human Resources Information Technology program.

9 OFFICE OF THE CHIEF FINANCIAL OFFICER

10 For necessary expenses of the Office of the Chief Fi-
11 nancial Officer, as authorized by section 103 of the Home-
12 land Security Act of 2002 (6 U.S.C. 113), \$64,480,000,
13 of which \$11,000,000 shall remain available until ex-
14 pended for financial systems consolidation efforts.

15 OFFICE OF THE CHIEF INFORMATION OFFICER

16 For necessary expenses of the Office of the Chief In-
17 formation Officer, as authorized by section 103 of the
18 Homeland Security Act of 2002 (6 U.S.C. 113), and De-
19 partment-wide technology investments, \$375,359,000; of
20 which \$82,727,000 shall be available for salaries and ex-
21 penses; and of which \$292,632,000, to remain available
22 until expended, shall be available for development and ac-
23 quisition of information technology equipment, software,
24 services, and related activities for the Department of
25 Homeland Security: *Provided*, That of the total amount

1 appropriated, not less than \$83,948,000 shall be available
2 for data center development, of which not less than
3 \$27,730,000 shall be available for power capabilities up-
4 grades and facility construction projects at Data Center
5 One (National Center for Critical Information Processing
6 and Storage): *Provided further*, That the Chief Informa-
7 tion Officer shall submit to the Committees on Appropria-
8 tions of the Senate and the House of Representatives, not
9 more than 60 days after the date of enactment of this
10 Act, an expenditure plan for all information technology ac-
11 quisition projects that: (1) are funded under this heading;
12 or (2) are funded by multiple components of the Depart-
13 ment of Homeland Security through reimbursable agree-
14 ments: *Provided further*, That such expenditure plan shall
15 include each specific project funded, key milestones, all
16 funding sources for each project, details of annual and
17 lifecycle costs, and projected cost savings or cost avoidance
18 to be achieved by the project: *Provided further*, That
19 \$75,000,000 shall not be available for obligation until the
20 submission of the expenditure plan to the Committees on
21 Appropriations of the Senate and the House of Represent-
22 atives.

23 ANALYSIS AND OPERATIONS

24 For necessary expenses for intelligence analysis and
25 operations coordination activities, as authorized by title II

1 of the Homeland Security Act of 2002 (6 U.S.C. 121 et
2 seq.), \$340,000,000, of which not to exceed \$5,000 shall
3 be for official reception and representation expenses; and
4 of which \$53,975,000 shall remain available until Sep-
5 tember 30, 2012: *Provided*, That \$20,000,000 shall be
6 withheld from obligation until an expenditure plan for the
7 Office of Intelligence and Analysis is received by the Com-
8 mittees on Appropriations of the Senate and House of
9 Representatives: *Provided further*, That none of the funds
10 provided in this or any other Act shall be available to com-
11 mence operations of the National Immigration Informa-
12 tion Sharing Operation or any follow-on entity until the
13 Secretary certifies that such program complies with all ex-
14 isting laws, including all applicable privacy and civil lib-
15 erties standards; the Comptroller General of the United
16 States notifies the Committees on Appropriations of the
17 Senate and the House of Representatives and the Sec-
18 retary that the Comptroller has reviewed such certifi-
19 cation; and the Secretary notifies the Committees on Ap-
20 propriations of the Senate and the House of Representa-
21 tives of all funds to be expended on operations of the Na-
22 tional Immigration Information Sharing Operation or any
23 follow-on entity pursuant to section 503 of this Act: *Pro-*
24 *vided further*, That none of the funds provided under this
25 heading may be obligated to create or operate a new pro-

1 gram management office or similar organization or entity
2 to oversee the State and Local Fusion Center program
3 until the Committees on Appropriations of the Senate and
4 House of Representatives receive a notification pursuant
5 to section 503 of this Act that describes the purpose, man-
6 agement goals, implementation timeline, budget, and
7 funding sources for any proposed new office, organization,
8 or entity.

9 OFFICE OF INSPECTOR GENERAL

10 For necessary expenses of the Office of Inspector
11 General in carrying out the provisions of the Inspector
12 General Act of 1978 (5 U.S.C. App.), \$115,806,000, of
13 which not to exceed \$300,000 may be used for certain con-
14 fidential operational expenses, including the payment of
15 informants, to be expended at the direction of the Inspec-
16 tor General.

17 TITLE II

18 SECURITY, ENFORCEMENT, AND

19 INVESTIGATIONS

20 U.S. CUSTOMS AND BORDER PROTECTION

21 SALARIES AND EXPENSES

22 For necessary expenses for enforcement of laws relat-
23 ing to border security, immigration, customs, agricultural
24 inspections and regulatory activities related to plant and
25 animal imports, and transportation of unaccompanied

1 minor aliens; purchase and lease of up to 8,000 (7,000
2 for replacement only) police-type vehicles; and contracting
3 with individuals for personal services abroad;
4 \$8,239,377,000, of which \$3,274,000 shall be derived
5 from the Harbor Maintenance Trust Fund for administra-
6 tive expenses related to the collection of the Harbor Main-
7 tenance Fee pursuant to section 9505(c)(3) of the Internal
8 Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and not-
9 withstanding section 1511(e)(1) of the Homeland Security
10 Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed
11 \$45,000 shall be for official reception and representation
12 expenses; of which not less than \$311,052,000 shall be
13 for Air and Marine Operations; of which such sums as
14 become available in the Customs User Fee Account, except
15 sums subject to section 13031(f)(3) of the Consolidated
16 Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.
17 58c(f)(3)), shall be derived from that account; of which
18 not to exceed \$150,000 shall be available for payment for
19 rental space in connection with preclearance operations;
20 and of which not to exceed \$1,000,000 shall be for awards
21 of compensation to informants, to be accounted for solely
22 under the certificate of the Secretary of Homeland Secu-
23 rity: *Provided*, That for fiscal year 2011, the overtime lim-
24 itation prescribed in section 5(c)(1) of the Act of February
25 13, 1911 (19 U.S.C. 267(c)(1)) shall be \$35,000, and not-

1 House of Representatives a report on the results to date
2 of, and plans for completing, the Automated Commercial
3 Environment program.

4 BORDER SECURITY FENCING, INFRASTRUCTURE, AND
5 TECHNOLOGY

6 For expenses for border security fencing, infrastruc-
7 ture, and technology, \$574,173,000, to remain available
8 until expended: *Provided*, That of the total amount made
9 available under this heading, \$75,000,000 shall not be ob-
10 ligated until the Committees on Appropriations of the Sen-
11 ate and the House of Representatives receive and approve
12 a plan for expenditure, prepared by the Commissioner of
13 U.S. Customs and Border Protection, reviewed by the
14 Government Accountability Office, and submitted not later
15 than 90 days after the date of the enactment of this Act,
16 for a program to establish and maintain a security barrier
17 along the borders of the United States, of fencing and ve-
18 hicle barriers where practicable, and of other forms of tac-
19 tical infrastructure and technology, that meets the statu-
20 tory conditions specified under this heading in Public Law
21 111–83 and which may cite by reference previous expendi-
22 ture plans and supporting documentation previously sub-
23 mitted to the Committees: *Provided further*, That at least
24 15 days before the award of any task order requiring an
25 obligation of funds in an amount greater than

1 \$25,000,000 and before the award of a task order that
2 would cause cumulative obligations of funds to exceed 50
3 percent of the total amount appropriated under this head-
4 ing, the Commissioner of U.S. Customs and Border Pro-
5 tection shall report to the Committees on Appropriations
6 of the Senate and the House of Representatives on the
7 progress of the program, and obligations and expenditures
8 for all outstanding task orders awarded under the pro-
9 gram, and specific objectives to be achieved through the
10 award of current and remaining task orders planned for
11 the balance of available appropriations for the program:
12 *Provided further*, That none of the funds made available
13 under this heading may be obligated unless the Depart-
14 ment has complied with section 102(b)(1)(C)(i) of the Ille-
15 gal Immigration Reform and Immigrant Responsibility
16 Act of 1996 (8 U.S.C. 1103 note), and the Secretary cer-
17 tifies such to the Committees on Appropriations of the
18 Senate and the House of Representatives: *Provided fur-*
19 *ther*, That none of the funds made available under this
20 heading may be obligated for any project or activity for
21 which the Secretary has exercised waiver authority pursu-
22 ant to section 102(c) of the Illegal Immigration Reform
23 and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103
24 note) until 15 days have elapsed from the date of the pub-

1 lication in the Federal Register of the decision to exercise
2 that authority.

3 AIR AND MARINE INTERDICTION, OPERATIONS,
4 MAINTENANCE, AND PROCUREMENT

5 For necessary expenses for the operations, mainte-
6 nance, and procurement of marine vessels, aircraft, un-
7 manned aircraft systems, and other related equipment of
8 the air and marine program, including operational train-
9 ing and mission-related travel; the interdiction of narcotics
10 and other goods; the provision of support to Federal,
11 State, and local agencies in the enforcement or adminis-
12 tration of laws enforced by the Department; and at the
13 discretion of the Secretary of Homeland Security, the pro-
14 vision of assistance to Federal, State, and local agencies
15 in other law enforcement and emergency humanitarian ef-
16 forts, \$511,751,000, to remain available until expended:
17 *Provided*, That no aircraft or other related equipment,
18 with the exception of aircraft that are one of a kind and
19 have been identified as excess to U.S. Customs and Border
20 Protection requirements and aircraft that have been dam-
21 aged beyond repair, shall be transferred to any other Fed-
22 eral agency, department, or office outside of the Depart-
23 ment in fiscal year 2011 without the prior approval of the
24 Committees on Appropriations of the Senate and the
25 House of Representatives.

1 CONSTRUCTION AND FACILITIES MANAGEMENT

2 For necessary expenses to plan, acquire, construct,
3 renovate, equip, and maintain buildings and facilities nec-
4 essary for the administration and enforcement of the laws
5 relating to customs, immigration, and border security,
6 \$282,740,000, to remain available until expended; of
7 which \$4,000,000 shall be for constructing and equipping
8 the Advanced Training Center: *Provided*, That for fiscal
9 year 2012 and hereafter, the annual budget submission
10 of U.S. Customs and Border Protection for “Construction
11 and Facilities Management” shall, in consultation with the
12 General Services Administration, include a detailed 5-year
13 plan for all Federal land border port of entry projects with
14 a yearly update of total projected future funding needs
15 delineated by land port of entry.

16 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

17 SALARIES AND EXPENSES

18 (INCLUDING TRANSFER OF FUNDS)

19 For the necessary expenses to conduct investigations
20 of criminal violations of Federal law relating to border se-
21 curity, customs and trade, immigration and naturaliza-
22 tion, intellectual property rights, and travel and transpor-
23 tation; for the civil enforcement of immigration and cus-
24 toms laws, including the detention and removal of immi-
25 gration status violators; and for the purchase and lease

1 of up to 3,790 (2,350 for replacement only) police-type
2 vehicles, \$5,508,555,000, of which not less than
3 \$250,000,000 shall be for activities to investigate viola-
4 tions of immigration and customs laws along the South-
5 west border of the United States, including Border En-
6 forcement Security Task Force operations and Law En-
7 forcement Agency Response Teams; of which not less than
8 \$120,000,000 shall be for activities to investigate cyber
9 crimes and child exploitation offenses, including sex traf-
10 ficking, child pornography, child sex tourism, and pro-
11 motion of public awareness of the child pornography
12 tipline; of which \$15,770,000 shall be for activities in fis-
13 cal year 2011 to enforce laws against forced child labor,
14 of which \$6,000,000 shall be available until expended; of
15 which not to exceed \$10,000,000 shall be available until
16 expended for conducting special operations under section
17 3131 of the Customs Enforcement Act of 1986 (19 U.S.C.
18 2081); of which not to exceed \$2,000,000 shall be for
19 awards of compensation to informants, to be accounted
20 for solely under the certificate of the Secretary of Home-
21 land Security; of which not to exceed \$11,216,000 shall
22 be available to fund or reimburse other Federal agencies
23 for the costs associated with the care, maintenance, and
24 repatriation of smuggled aliens unlawfully present in the
25 United States; of which not to exceed \$15,000 shall be

1 for official reception and representation expenses: *Pro-*
2 *vided*, That none of the funds made available under this
3 heading shall be available to compensate any employee for
4 overtime in an annual amount in excess of \$35,000, except
5 that the Secretary, or the designee of the Secretary, may
6 waive that amount as necessary for national security pur-
7 poses and in cases of immigration emergencies: *Provided*
8 *further*, That of the total amount made available under
9 this heading, not less than \$2,000,000,000 shall be avail-
10 able to identify aliens convicted of a crime who may be
11 deportable, and to remove them from the United States
12 once they are judged deportable: *Provided further*, That
13 the Secretary, or the designee of the Secretary, shall re-
14 port to the Committees on Appropriations of the Senate
15 and the House of Representatives, not later than 45 days
16 after the end of each quarter of the fiscal year, on progress
17 in implementing the preceding proviso and the funds obli-
18 gated during that quarter to make that progress: *Provided*
19 *further*, That the Secretary shall prioritize the identifica-
20 tion and removal of aliens convicted of a crime by the se-
21 verity of that crime: *Provided further*, That not less than
22 \$5,400,000 shall be used to facilitate agreements con-
23 sistent with section 287(g) of the Immigration and Na-
24 tionality Act (8 U.S.C. 1357(g)): *Provided further*, That
25 none of the funds under this heading may be used to con-

1 tinue a delegation of law enforcement authority authorized
2 under section 287(g) of the Immigration and Nationality
3 Act (8 U.S.C. 1357(g)) if the Department of Homeland
4 Security Inspector General determines that the terms of
5 the agreement governing the delegation of authority have
6 been violated: *Provided further*, That of the total amount
7 provided, not less than \$2,583,021,000 is for detention
8 and removal operations, including transportation of unac-
9 companied alien minors: *Provided further*, That funding
10 made available under this heading shall maintain a level
11 of not less than 33,400 detention beds through September
12 30, 2011: *Provided further*, That none of the funds made
13 available under this heading may be used to continue any
14 contract for the provision of detention services if the two
15 most recent overall performance evaluations received by
16 the contracted facility are less than “adequate” or the
17 equivalent median score in any subsequent performance
18 evaluation system: *Provided further*, That nothing under
19 this heading shall prevent U.S. Immigration and Customs
20 Enforcement from exercising those authorities provided
21 under immigration laws (as defined in section 101(a)(17)
22 of the Immigration and Nationality Act (8 U.S.C.
23 1101(a)(17))) during priority operations pertaining to
24 aliens convicted of a crime: *Provided further*, That none
25 of the funds provided under this heading may be obligated

1 to collocate field offices of U.S. Immigration and Customs
2 Enforcement until the Secretary submits to the Commit-
3 tees on Appropriations of the Senate and the House of
4 Representatives a plan for the nationwide implementation
5 of the Alternatives to Detention program that identifies:
6 (1) how funding made available by this Act will be used
7 to expand the Alternatives to Detention program; (2) the
8 date by which the Secretary will achieve nationwide imple-
9 mentation of the Alternatives to Detention program; and
10 (3) the milestones the Secretary will establish to measure
11 progress toward achieving nationwide implementation of
12 the Alternatives to Detention program: *Provided further*,
13 That of the total amount provided for the purposes of
14 identifying aliens convicted of a crime who may be deport-
15 able, and removing them from the United States once they
16 are judged deportable, \$259,825,000 shall remain avail-
17 able until September 30, 2012, of which up to
18 \$30,625,000 may be available for transfer to U.S. Immi-
19 gration and Customs Enforcement “Automation Mod-
20 ernization” for information technology investments associ-
21 ated with these purposes: *Provided further*, That of the
22 total amount provided, \$7,300,000 shall remain available
23 until September 30, 2012, for the Visa Security Program.

1 AUTOMATION MODERNIZATION

2 For expenses of immigration and customs enforce-
3 ment automated systems, \$84,700,000, to remain avail-
4 able until expended: *Provided*, That of the funds made
5 available under this heading, \$10,000,000 shall not be ob-
6 ligated until the Committees on Appropriations of the Sen-
7 ate and the House of Representatives receive an expendi-
8 ture plan prepared by the Assistant Secretary of U.S. Im-
9 migration and Customs Enforcement.

10 TRANSPORTATION SECURITY ADMINISTRATION

11 AVIATION SECURITY

12 For necessary expenses of the Transportation Secu-
13 rity Administration related to providing civil aviation secu-
14 rity services pursuant to the Aviation and Transportation
15 Security Act (Public Law 107-71), \$5,452,037,000, to re-
16 main available until September 30, 2012, of which not to
17 exceed \$10,000 shall be for official reception and represen-
18 tation expenses: *Provided*, That of the total amount made
19 available under this heading, not to exceed
20 \$4,363,000,000 shall be for screening operations, of which
21 \$643,325,000 shall be available for explosives detection
22 systems; and not to exceed \$1,089,037,000 shall be for
23 aviation security direction and enforcement: *Provided fur-*
24 *ther*, That of the amount made available in the preceding
25 proviso for explosives detection systems, \$320,000,000

1 shall be available for the purchase and installation of these
2 systems, of which not less than 9 percent shall be available
3 for the purchase and installation of certified explosives de-
4 tection systems at medium- and small-sized airports: *Pro-*
5 *vided further*, That any award to deploy explosives detec-
6 tion systems shall be based on risk, the airport's current
7 reliance on other screening solutions, lobby congestion re-
8 sulting in increased security concerns, high injury rates,
9 airport readiness, and increased cost effectiveness: *Pro-*
10 *vided further*, That security service fees authorized under
11 section 44940 of title 49, United States Code, shall be
12 credited to this appropriation as offsetting collections and
13 shall be available only for aviation security: *Provided fur-*
14 *ther*, That the sum appropriated under this heading from
15 the general fund shall be reduced on a dollar-for-dollar
16 basis as such offsetting collections are received in fiscal
17 year 2011, so as to result in a final fiscal year appropria-
18 tion from the general fund of not more than
19 \$3,352,037,000: *Provided further*, That any security serv-
20 ice fees collected in excess of the amount made available
21 under this heading shall be available for fiscal year 2012:
22 *Provided further*, That Members of the House of Rep-
23 resentatives and Senate, including the leadership; the
24 heads of Federal agencies and commissions, including the
25 Secretary, Deputy Secretary, Under Secretaries, and As-

1 sistant Secretaries of the Department of Homeland Secu-
2 rity; the Attorney General, Assistant Attorneys General,
3 and United States attorneys; and senior members of the
4 Executive Office of the President, including the Director
5 of the Office of Management and Budget; shall not be ex-
6 empt from Federal passenger and baggage screening.

7 SURFACE TRANSPORTATION SECURITY

8 For necessary expenses of the Transportation Secu-
9 rity Administration related to surface transportation secu-
10 rity activities, \$137,558,000, to remain available until
11 September 30, 2012.

12 TRANSPORTATION THREAT ASSESSMENT AND
13 CREDENTIALING

14 For necessary expenses for the development and im-
15 plementation of screening programs of the Office of
16 Transportation Threat Assessment and Credentialing,
17 \$159,124,000, to remain available until September 30,
18 2012: *Provided*, That if the Assistant Secretary of Home-
19 land Security (Transportation Security Administration)
20 determines that the Secure Flight program does not need
21 to check airline passenger names against the full terrorist
22 watchlist, the Assistant Secretary shall certify to the Com-
23 mittees on Appropriations of the Senate and the House
24 of Representatives, not later than 30 days after the date
25 of enactment of this Act, that no significant security risks

1 are raised by screening airline passenger names only
2 against a subset of the full terrorist watchlist.

3 TRANSPORTATION SECURITY SUPPORT

4 For necessary expenses of the Transportation Secu-
5 rity Administration related to providing transportation se-
6 curity support and intelligence pursuant to the Aviation
7 and Transportation Security Act (Public Law 107–71),
8 \$1,039,777,000, to remain available until September 30,
9 2012: *Provided*, That of the funds appropriated under this
10 heading, \$50,000,000 may not be obligated for head-
11 quarters administration until the Assistant Secretary of
12 Homeland Security (Transportation Security Administra-
13 tion) submits to the Committees on Appropriations of the
14 Senate and the House of Representatives detailed expendi-
15 ture plans for air cargo security, and for checkpoint sup-
16 port and explosives detection systems refurbishment, pro-
17 curement, and installations on an airport-by-airport basis
18 for fiscal year 2011: *Provided further*, That such plans
19 shall be submitted no later than 60 days after the date
20 of enactment of this Act.

21 FEDERAL AIR MARSHALS

22 For necessary expenses of the Federal Air Marshals,
23 \$945,015,000.

1 COAST GUARD

2 OPERATING EXPENSES

3 For necessary expenses for the operation and mainte-
4 nance of the Coast Guard, not otherwise provided for; pur-
5 chase or lease of not to exceed 25 passenger motor vehi-
6 cles, which shall be for replacement only; purchase or lease
7 of small boats for contingent and emergent requirements
8 (at a unit cost of no more than \$700,000) and repairs
9 and service-life replacements, not to exceed a total of
10 \$26,000,000, in addition to boats necessary for overseas
11 deployments and other activities; minor shore construction
12 projects not exceeding \$1,000,000 in total cost at any lo-
13 cation; payments pursuant to section 156 of Public Law
14 97-377 (42 U.S.C. 402 note; 96 Stat. 1920); and recre-
15 ation and welfare; \$6,951,973,000, of which \$594,000,000
16 shall be for defense-related activities, of which
17 \$254,000,000 is for overseas deployments and other ac-
18 tivities; of which \$24,500,000 shall be derived from the
19 Oil Spill Liability Trust Fund to carry out the purposes
20 of section 1012(a)(5) of the Oil Pollution Act of 1990 (33
21 U.S.C. 2712(a)(5)); and of which not to exceed \$20,000
22 shall be for official reception and representation expenses:
23 *Provided*, That none of the funds made available by this
24 or any other Act shall be available for administrative ex-
25 penses in connection with shipping commissioners in the

1 United States: *Provided further*, That none of the funds
2 made available by this Act shall be for expenses incurred
3 for recreational vessels under section 12114 of title 46,
4 United States Code, except to the extent fees are collected
5 from yacht owners and credited to this appropriation: *Pro-*
6 *vided further*, That the Coast Guard shall comply with the
7 requirements of section 527 of the National Defense Au-
8 thorization Act for Fiscal Year 2004 (10 U.S.C. 4331
9 note) with respect to the Coast Guard Academy: *Provided*
10 *further*, That of the funds made available under this head-
11 ing, \$75,000,000 shall be withheld from obligation for
12 Headquarters Directorates until: (1) the fiscal year 2011
13 second quarter acquisition report; (2) the annual review
14 of the Revised Deepwater Implementation Plan; (3) the
15 future-years capital investment plan for fiscal years 2012–
16 2016; and (4) the Polar High Latitude Study are received
17 by the Committees on Appropriations of the Senate and
18 the House of Representatives: *Provided further*, That of
19 the amount provided under this heading for overseas de-
20 ployments and other activities, \$254,000,000 is des-
21 ignated as described in section 5 (in the matter preceding
22 division A of this consolidated Act): *Provided further*, That
23 funds made available under this heading for overseas de-
24 ployments and other activities may be allocated by pro-

1 gram, project, and activity, notwithstanding section 503
2 of this Act.

3 ENVIRONMENTAL COMPLIANCE AND RESTORATION

4 For necessary expenses to carry out the environ-
5 mental compliance and restoration functions of the Coast
6 Guard under chapter 19 of title 14, United States Code,
7 \$13,329,000, to remain available until expended.

8 RESERVE TRAINING

9 For necessary expenses of the Coast Guard Reserve,
10 as authorized by law; operations and maintenance of the
11 reserve program; personnel and training costs; and equip-
12 ment and services; \$135,675,000.

13 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

14 For necessary expenses of acquisition, construction,
15 renovation, and improvement of aids to navigation, shore
16 facilities, vessels, and aircraft, including equipment related
17 thereto; and maintenance, rehabilitation, lease and oper-
18 ation of facilities and equipment, as authorized by law;
19 \$1,518,613,000, of which \$20,000,000 shall be derived
20 from the Oil Spill Liability Trust Fund to carry out the
21 purposes of section 1012(a)(5) of the Oil Pollution Act
22 of 1990 (33 U.S.C. 2712(a)(5)); of which \$2,000,000
23 shall be derived from the Coast Guard Housing Fund, es-
24 tablished pursuant to 14 U.S.C. 687, and shall remain
25 available until expended for military family housing; of

1 which \$73,200,000 shall be available until September 30,
2 2015, to acquire, effect major repairs, renovate, or im-
3 prove vessels, small boats, and related equipment; of which
4 \$36,000,000 shall be available until September 30, 2013,
5 for other equipment; of which \$108,350,000 shall be avail-
6 able until September 30, 2013, for shore facilities and aids
7 to navigation facilities, including not less than
8 \$23,500,000 for waterfront improvements and support fa-
9 cilities for buoy tender operations at Naval Station New-
10 port, not less than \$18,100,000 for the Coast Guard Sec-
11 tor Honolulu Command and Interagency Operations Cen-
12 ter, and not less than \$21,050,000 for Coast Guard Sta-
13 tion Cleveland Harbor; of which \$107,561,000 shall be
14 available for personnel compensation and benefits and re-
15 lated costs; and of which \$1,191,502,000 shall be available
16 until September 30, 2015, for the Integrated Deepwater
17 Systems program: *Provided*, That of the funds made avail-
18 able for the Integrated Deepwater Systems program,
19 \$103,000,000 is for aircraft and \$933,002,000 is for sur-
20 face ships: *Provided further*, That the Commandant of the
21 Coast Guard shall submit to the Committees on Appro-
22 priations of the Senate and the House of Representatives,
23 in conjunction with the President's fiscal year 2012 budg-
24 et, a review of the Revised Deepwater Implementation
25 Plan that identifies any changes to the plan for the fiscal

1 year; an annual performance comparison of Integrated
2 Deepwater Systems program assets to pre-Deepwater leg-
3 acy assets; a status report of such legacy assets; a detailed
4 explanation of how the costs of such legacy assets are
5 being accounted for within the Integrated Deepwater Sys-
6 tems program; and the earned value management system
7 gold card data for each Integrated Deepwater Systems
8 program asset: *Provided further*, That the Commandant
9 of the Coast Guard shall submit to the Committees on Ap-
10 propriations of the Senate and the House of Representa-
11 tives, in conjunction with the fiscal year 2016 budget re-
12 quest, and every 5 years thereafter, a comprehensive re-
13 view of the Revised Deepwater Implementation Plan, that
14 includes a complete projection of the acquisition costs and
15 schedule for the duration of the plan: *Provided further*,
16 That the Commandant of the Coast Guard shall annually
17 submit to the Committees on Appropriations of the Senate
18 and the House of Representatives, at the time that the
19 President's budget is submitted under section 1105(a) of
20 title 31, United States Code, a future-years capital invest-
21 ment plan for the Coast Guard that identifies for each
22 capital budget line item—

23 (1) the proposed appropriation included in that
24 budget;

25 (2) the estimated total acquisition cost;

1 (3) projected funding levels, including a listing
2 (by fiscal year) of the number of assets or segments
3 that will be procured with the funding requested, for
4 each fiscal year for the next 5 fiscal years or until
5 project completion, whichever is earlier;

6 (4) an estimated completion date at the pro-
7 jected funding levels;

8 (5) the total number of planned assets or seg-
9 ments;

10 (6) justification for each requested project in-
11 cluding a qualitative description of mission perform-
12 ance envisioned to be achieved upon completion of
13 the acquisition program and missions that will be
14 supported by such project; and

15 (7) changes, if any, in the total estimated cost
16 of completion or estimated completion date from
17 previous future-years capital investment plans sub-
18 mitted to the Committees on Appropriations of the
19 Senate and the House of Representatives:

20 *Provided further,* That the Commandant of the Coast
21 Guard shall ensure that amounts specified in the future-
22 years capital investment plan are consistent, to the max-
23 imum extent practicable, with proposed appropriations
24 necessary to support the programs, projects, and activities
25 of the Coast Guard in the President's budget as submitted

1 under section 1105(a) of title 31, United States Code, for
2 that fiscal year: *Provided further*, That any inconsistencies
3 between the capital investment plan and proposed appro-
4 priations shall be identified and justified: *Provided further*,
5 That subsections (a) and (b) of section 6402 of the U.S.
6 Troop Readiness, Veterans' Care, Katrina Recovery, and
7 Iraq Accountability Appropriations Act, 2007 (Public Law
8 110–28) shall apply to fiscal year 2011.

9
10 ALTERATION OF BRIDGES

11 For necessary expenses for alteration or removal of
12 obstructive bridges, as authorized by section 6 of the Tru-
13 man-Hobbs Act (33 U.S.C. 516), \$4,000,000, to remain
14 available until expended: *Provided*, That of the amounts
15 made available under this heading, \$4,000,000 shall be
16 for the Union Pacific Railroad Bridge in Clinton, Iowa.

17 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

18 For necessary expenses for applied scientific re-
19 search, development, test, and evaluation; and for mainte-
20 nance, rehabilitation, lease, and operation of facilities and
21 equipment; as authorized by law; \$32,534,000, to remain
22 available until expended, of which \$500,000 shall be de-
23 rived from the Oil Spill Liability Trust Fund to carry out
24 the purposes of section 1012(a)(5) of the Oil Pollution Act
25 of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may
be credited to and used for the purposes of this appropria-

1 facilities on private or other property not in Government
2 ownership or control, as may be necessary to perform pro-
3 tective functions; payment of per diem or subsistence al-
4 lowances to employees in a case in which a protective as-
5 signment during the actual day or days of the visit of a
6 protectee requires an employee to work 16 hours per day
7 or to remain overnight at a post of duty; conduct of and
8 participation in firearms matches; presentation of awards;
9 travel of United States Secret Service employees on pro-
10 tective missions without regard to the limitations on such
11 expenditures in this or any other Act if approval is ob-
12 tained in advance from the Committees on Appropriations
13 of the Senate and the House of Representatives; research
14 and development; grants to conduct behavioral research in
15 support of protective research and operations; and pay-
16 ment in advance for commercial accommodations as may
17 be necessary to perform protective functions;
18 \$1,574,642,000, of which not to exceed \$25,000 shall be
19 for official reception and representation expenses; of which
20 not to exceed \$100,000 shall be to provide technical assist-
21 ance and equipment to foreign law enforcement organiza-
22 tions in counterfeit investigations; of which \$2,366,000
23 shall be for forensic and related support of investigations
24 of missing and exploited children; and of which
25 \$6,000,000 shall be for a grant for activities related to

1 the investigations of missing and exploited children and
2 shall remain available until expended: *Provided*, That up
3 to \$18,000,000 for protective travel shall remain available
4 until September 30, 2012: *Provided further*, That up to
5 \$1,000,000 for National Special Security Events shall re-
6 main available until expended: *Provided further*, That the
7 United States Secret Service is authorized to obligate
8 funds in anticipation of reimbursements from Federal
9 agencies and entities, as defined in section 105 of title
10 5, United States Code, receiving training sponsored by the
11 James J. Rowley Training Center, except that total obliga-
12 tions for the fiscal year shall not exceed total budgetary
13 resources available under this heading at the end of the
14 fiscal year: *Provided further*, That none of the funds made
15 available under this heading shall be available to com-
16 pensate any employee for overtime in an annual amount
17 in excess of \$35,000, except that the Secretary of Home-
18 land Security, or the designee of the Secretary, may waive
19 that amount as necessary for national security purposes:
20 *Provided further*, That none of the funds made available
21 to the United States Secret Service by this Act or by pre-
22 vious appropriations Acts may be made available for the
23 protection of the head of a Federal agency other than the
24 Secretary of Homeland Security: *Provided further*, That
25 the Director of the Secret Service may enter into an agree-

1 ment to perform such service on a fully reimbursable
2 basis: *Provided further*, That of the total amount made
3 available under this heading, \$69,960,000, to remain
4 available until expended, is for information integration
5 and technology transformation: *Provided further*, That of
6 the funds made available in the preceding proviso,
7 \$20,000,000 shall not be available for obligation until the
8 Chief Information Officer of the Department submits a
9 report to the Committees on Appropriations of the Senate
10 and the House of Representatives certifying that all plans
11 for such activities are consistent with Department of
12 Homeland Security data center migration and enterprise
13 architecture requirements: *Provided further*, That none of
14 the funds made available to the United States Secret Serv-
15 ice by this Act or by previous appropriations Acts may
16 be obligated for the purpose of opening a new permanent
17 domestic or overseas office or location unless the Commit-
18 tees on Appropriations of the Senate and the House of
19 Representatives are notified 15 days in advance of such
20 obligation.

21 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND

22 RELATED EXPENSES

23 For necessary expenses for acquisition, construction,
24 repair, alteration, and improvement of facilities,
25 \$3,975,000, to remain available until expended.

1 TITLE III
2 PROTECTION, PREPAREDNESS, RESPONSE, AND
3 RECOVERY
4 NATIONAL PROTECTION AND PROGRAMS DIRECTORATE
5 MANAGEMENT AND ADMINISTRATION

6 For salaries and expenses of the Office of the Under
7 Secretary for the National Protection and Programs Di-
8 rectorate, support for operations, information technology,
9 and the Office of Risk Management and Analysis,
10 \$45,387,000: *Provided*, That not to exceed \$5,000 shall
11 be for official reception and representation expenses.

12 INFRASTRUCTURE PROTECTION AND INFORMATION
13 SECURITY

14 For necessary expenses for infrastructure protection
15 and information security programs and activities, as au-
16 thorized by title II of the Homeland Security Act of 2002
17 (6 U.S.C. 121 et seq.), \$874,923,000, of which
18 \$720,884,000 shall remain available until September 30,
19 2012: *Provided*, That of the amount made available under
20 this heading, \$100,000,000 may not be obligated for the
21 National Cyber Security Division and \$10,000,000 may
22 not be obligated for the Next Generation Networks pro-
23 gram until the Committees on Appropriations of the Sen-
24 ate and the House of Representatives receive a plan for
25 expenditure for each that describes the strategic context,

1 the specific goals and milestones set, and the funds allo-
2 cated to achieving each of those goals and milestones: *Pro-*
3 *vided further*, That of the total amount provided, not less
4 than: \$18,000,000 is for the National Infrastructure Sim-
5 ulation and Analysis Center; \$3,000,000 is for State and
6 local cyber security training; \$3,000,000 is for the Multi-
7 State Information Sharing and Analysis Center; and
8 \$1,000,000 is for interoperable communications, technical
9 assistance, and outreach programs.

10 FEDERAL PROTECTIVE SERVICE

11 The revenues and collections of security fees credited
12 to this account shall be available until expended for nec-
13 essary expenses related to the protection of federally-
14 owned and leased buildings and for the operations of the
15 Federal Protective Service: *Provided*, That the Secretary
16 of Homeland Security and the Director of the Office of
17 Management and Budget shall certify in writing to the
18 Committees on Appropriations of the Senate and the
19 House of Representatives, no later than 60 days after the
20 date of enactment of this Act, that the operations of the
21 Federal Protective Service will be fully funded in fiscal
22 year 2011 through revenues and collection of security fees,
23 and shall adjust the fees to ensure fee collections are suffi-
24 cient to ensure that, no later than September 1, 2011,
25 the Federal Protective Service maintains not fewer than

1 1,348 full-time staff and 1,011 full-time Police Officers,
2 Inspectors, Area Commanders, and Special Agents who,
3 while working, are directly engaged on a daily basis pro-
4 tecting and enforcing laws at Federal buildings (referred
5 to as “in-service field staff”).

6 UNITED STATES VISITOR AND IMMIGRANT STATUS
7 INDICATOR TECHNOLOGY

8 For necessary expenses for the development of the
9 United States Visitor and Immigrant Status Indicator
10 Technology project, as authorized by section 110 of the
11 Illegal Immigration Reform and Immigrant Responsibility
12 Act of 1996 (8 U.S.C. 1365a), \$339,263,000, of which
13 \$50,000,000 shall remain available until September 30,
14 2012: *Provided*, That of the total amount made available
15 under this heading, \$125,000,000 shall not be obligated
16 for the United States Visitor and Immigrant Status Indi-
17 cator Technology project until the Committees on Appro-
18 priations of the Senate and the House of Representatives
19 receive a plan for expenditure, prepared by the Secretary
20 of Homeland Security, not later than 90 days after the
21 date of enactment of this Act that meets the statutory con-
22 ditions specified under this heading in Public Law 110–
23 329: *Provided further*, That not less than \$50,000,000 of
24 unobligated balances of prior year appropriations shall re-

1 main available and be obligated solely for implementation
2 of a biometric air exit capability.

3 OFFICE OF HEALTH AFFAIRS

4 For necessary expenses of the Office of Health Af-
5 fairs, \$157,984,000, of which \$27,053,000 is for salaries
6 and expenses: *Provided*, That \$130,931,000 shall remain
7 available until September 30, 2012, for biosurveillance,
8 BioWatch, medical readiness planning, chemical response,
9 and other activities, including \$4,750,000 for the North
10 Carolina Collaboratory for Bio-Preparedness, University
11 of North Carolina, Chapel Hill: *Provided further*, That of
12 the amount made available under this heading,
13 \$3,500,000 may not be obligated for the National Bio-
14 surveillance Integration System until the Committees on
15 Appropriations of the Senate and the House of Represent-
16 atives receive a plan for expenditure for such System: *Pro-*
17 *vided further*, That not to exceed \$3,000 shall be for offi-
18 cial reception and representation expenses.

19 FEDERAL EMERGENCY MANAGEMENT AGENCY

20 MANAGEMENT AND ADMINISTRATION

21 For necessary expenses for management and admin-
22 istration of the Federal Emergency Management Agency,
23 \$764,296,000, including activities authorized by the Na-
24 tional Flood Insurance Act of 1968 (42 U.S.C. 4001 et
25 seq.), the Robert T. Stafford Disaster Relief and Emer-

1 gency Assistance Act (42 U.S.C. 5121 et seq.), the Cerro
2 Grande Fire Assistance Act of 2000 (division C, title I,
3 114 Stat. 583), the Earthquake Hazards Reduction Act
4 of 1977 (42 U.S.C. 7701 et seq.), the Defense Production
5 Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107
6 and 303 of the National Security Act of 1947 (50 U.S.C.
7 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C.
8 App.), the Homeland Security Act of 2002 (6 U.S.C. 101
9 et seq.), and the Post-Katrina Emergency Management
10 Reform Act of 2006 (Public Law 109–295): *Provided*,
11 That not to exceed \$3,000 shall be for official reception
12 and representation expenses: *Provided further*, That the
13 President’s budget submitted under section 1105(a) of
14 title 31, United States Code, shall be detailed by office
15 for the Federal Emergency Management Agency: *Provided*
16 *further*, That the Administrator of the Federal Emergency
17 Management Agency shall provide to the Committees on
18 Appropriations of the Senate and the House of Represent-
19 atives an expenditure plan for all funds made available in
20 this Act for Federal Emergency Management Agency
21 “Management and Administration”, not later than 75
22 days after the date of enactment of this Act: *Provided fur-*
23 *ther*, That of the total amount made available under this
24 heading, not to exceed \$12,000,000 shall remain available
25 until September 30, 2012, for capital improvements at the

1 Mount Weather Emergency Operations Center: *Provided*
2 *further*, That of the total amount made available under
3 this heading, \$38,000,000 shall be for the Urban Search
4 and Rescue Response System, of which not to exceed
5 \$1,600,000 may be made available for administrative
6 costs; and \$7,049,000 shall be for the Office of National
7 Capital Region Coordination: *Provided further*, That for
8 purposes of planning, coordination, execution, and deci-
9 sionmaking related to mass evacuation during a disaster,
10 for fiscal year 2011 and hereafter, the Governors of the
11 State of West Virginia and the Commonwealth of Pennsyl-
12 vania, or their designees, shall be incorporated into efforts
13 to integrate the activities of Federal, State, and local gov-
14 ernments in the National Capital Region, as defined in
15 section 882 of Public Law 107–296, the Homeland Secu-
16 rity Act of 2002.

17 STATE AND LOCAL PROGRAMS

18 (INCLUDING TRANSFER OF FUNDS)

19 For grants, contracts, cooperative agreements, and
20 other activities, \$3,080,450,000 shall be allocated as fol-
21 lows:

22 (1) \$950,000,000 shall be for the State Home-
23 land Security Grant Program under section 2004 of
24 the Homeland Security Act of 2002 (6 U.S.C. 605):
25 *Provided*, That of the amount provided by this para-

1 graph and not subject to the requirements of title
2 XX, subtitle A of the Homeland Security Act of
3 2002 (6 U.S.C. 603, et seq.), \$60,000,000 shall be
4 for Operation Stonegarden and \$10,000,000 shall be
5 for the Citizen Corps Program: *Provided further*,
6 That notwithstanding subsection (c)(4) of such sec-
7 tion 2004, for fiscal year 2011, the Commonwealth
8 of Puerto Rico shall make available to local and trib-
9 al governments amounts provided to the Common-
10 wealth of Puerto Rico under this paragraph in ac-
11 cordance with subsection (c)(1) of such section
12 2004.

13 (2) \$977,500,000 shall be for the Urban Area
14 Security Initiative under section 2003 of the Home-
15 land Security Act of 2002 (6 U.S.C. 604): *Provided*,
16 That, notwithstanding subsection (c)(1) of such sec-
17 tion, \$19,000,000 shall be for grants to organiza-
18 tions (as described under section 501(c)(3) of the
19 Internal Revenue Code of 1986 (26 U.S.C.
20 501(c)(3)) and exempt from tax section 501(a) of
21 such code (26 U.S.C. 501(a)) determined by the
22 Secretary of Homeland Security to be at high risk
23 of a terrorist attack: *Provided further*, That of the
24 amount provided by this paragraph, \$20,000,000
25 shall be for radiological and nuclear detection sys-

1 tems: *Provided further*, That of the amount provided
2 by this paragraph and not subject to the require-
3 ments of title XX, subtitle A of the Homeland Secu-
4 rity Act of 2002 (6 U.S.C. 603, et seq.),
5 \$17,500,000, to remain available until expended,
6 shall be for necessary expenses for reimbursement of
7 the actual costs to State and local governments for
8 providing emergency management, public safety, and
9 security at events, as determined by the Adminis-
10 trator of the Federal Emergency Management Agen-
11 cy, related to the presence of a National Special Se-
12 curity Event: *Provided further*, That the amount of
13 any grant made to reimburse the actual costs related
14 to a National Special Security Event shall not be de-
15 ducted from the allocation of any amounts otherwise
16 made available under this paragraph to any entity.

17 (3) \$35,000,000 shall be for Regional Cata-
18 strophic Preparedness Grants.

19 (4) \$41,000,000 shall be for the Metropolitan
20 Medical Response System under section 635 of the
21 Post-Katrina Emergency Management Reform Act
22 of 2006 (6 U.S.C. 723).

23 (5) \$350,000,000 shall be for Public Transpor-
24 tation Security Assistance, Railroad Security Assist-
25 ance, and Over-the-Road Bus Security Assistance

1 under section 1406, 1513, and 1532 of the Imple-
2 menting Recommendations of the 9/11 Commission
3 Act of 2007 (Public Law 110–53; 6 U.S.C. 1135,
4 1163, and 1182); of which not less than
5 \$25,000,000 shall be for Amtrak security; and not
6 less than \$12,000,000 shall be for Over-the-Road
7 Bus Security Assistance: *Provided*, That such public
8 transportation security assistance shall be provided
9 directly to public transportation agencies.

10 (6) \$350,000,000 shall be for Port Security
11 Grants under section 70107 of title 46, United
12 States Code.

13 (7) \$35,000,000 shall be for Buffer Zone Pro-
14 tection Program Grants.

15 (8) \$35,000,000 shall be for the Interoperable
16 Emergency Communications Grant Program under
17 section 1809 of the Homeland Security Act of 2002
18 (6 U.S.C. 579).

19 (9) \$50,000,000 shall be for grants for Emer-
20 gency Operations Centers under section 614 of the
21 Robert T. Stafford Disaster Relief and Emergency
22 Assistance Act (42 U.S.C. 5196c) to remain avail-
23 able until expended, of which not less than the
24 amount specified for each Emergency Operations
25 Center shall be provided as follows: \$700,000, Cali-

1 fornia Emergency Management Agency; \$228,125,
2 Cherry Hill Township, New Jersey; \$800,000, City
3 of Alexandria, Virginia; \$250,000, City of Baton
4 Rouge, Louisiana; \$800,000, City of Bowie Police
5 Department, Maryland; \$800,000, City of Browns-
6 ville, Texas; \$442,000, City of Columbia, South
7 Carolina; \$800,000, City of Columbus, Ohio;
8 \$800,000, City of Compton, California; \$800,000,
9 City of Houston, Texas; \$800,000, City of Laredo,
10 Texas; \$500,000, City of Lauderdale Lakes, Florida;
11 \$800,000, City of New Orleans, Louisiana;
12 \$600,000, City of Orange Township, New Jersey;
13 \$800,000, City of Palm Beach Gardens, Florida;
14 \$500,000, City of Pasadena, California; \$950,000,
15 City of Passaic, New Jersey; \$800,000, City of
16 Pharr, Texas; \$800,000, City of Phoenix, Arizona;
17 \$800,000, City of South Daytona, Florida;
18 \$375,000, City of Temple City, California;
19 \$800,000, Clallam County Sheriff's Office, Wash-
20 ington; \$800,000, County of Gloucester, New Jer-
21 sey; \$3,450,000, County of Hudson, New Jersey;
22 \$771,000, Missoula County, Montana; \$250,000,
23 Fulton County Government, Arkansas; \$300,000,
24 Fulton County Government, County Manager's Of-
25 fice, Georgia; \$800,000, Hancock County Commis-

1 sion, West Virginia; \$750,000, Louisiana Sheriff's
2 Association, Baton Rouge, Louisiana; \$250,000,
3 Madison County, Texas; \$750,000, Maryland Emer-
4 gency Management Agency; \$800,000, Oakland
5 County Homeland Security Division, Michigan;
6 \$129,000, Park County, Montana; \$800,000,
7 Plaquemines Parish Sheriff's Office, Louisiana;
8 \$610,000, Polk County, Iowa; \$750,000, Providence
9 Emergency Management Agency and Office of
10 Homeland Security, Rhode Island; \$1,000,000,
11 Rhode Island Emergency Management Agency;
12 \$750,000, Salt Lake County, Utah; \$1,000,000,
13 State of Illinois; \$250,000, State of Michigan;
14 \$5,000,000, State of West Virginia; \$800,000, Town
15 of East Haven, Connecticut; \$800,000, Town of
16 South Windsor, Connecticut; \$800,000, Town of
17 Southwest Ranches, Florida; \$775,000, Uvalde
18 County, Texas; and \$800,000, Wisconsin Division of
19 Emergency Management.

20 (10) \$256,950,000 shall be for training, exer-
21 cises, technical assistance, and other programs, of
22 which—

23 (A) \$159,500,000 shall be for the National
24 Domestic Preparedness Consortium in accord-
25 ance with section 1204 of the Implementing

1 Recommendations of the 9/11 Commission Act
2 of 2007 (6 U.S.C. 1102), of which \$62,500,000
3 shall be for the Center for Domestic Prepared-
4 ness; \$23,000,000 shall be for the National En-
5 ergetic Materials Research and Testing Center,
6 New Mexico Institute of Mining and Tech-
7 nology; \$23,000,000 shall be for the National
8 Center for Biomedical Research and Training,
9 Louisiana State University; \$23,000,000 shall
10 be for the National Emergency Response and
11 Rescue Training Center, Texas A&M Univer-
12 sity; \$23,000,000 shall be for the National Ex-
13 ercise, Test, and Training Center, Nevada Test
14 Site; and \$5,000,000 shall be for the National
15 Disaster Preparedness Training Center, Univer-
16 sity of Hawaii, Honolulu, Hawaii; and

17 (B) \$2,450,000 shall be for the Center for
18 Counterterrorism and Cyber Crime, Norwich
19 University, Northfield, Vermont:

20 *Provided*, That not to exceed 4.7 percent of the amounts
21 provided under this heading shall be transferred to the
22 Federal Emergency Management Agency “Management
23 and Administration” account for program administration:

24 *Provided further*, That notwithstanding section
25 2008(a)(11) of the Homeland Security Act of 2002 (6

1 U.S.C. 609(a)(11)), or any other provision of law, a grant-
2 ee may use not more than 5 percent of the amount of
3 a grant made available under this heading for expenses
4 directly related to administration of the grant: *Provided*
5 *further*, That for grants under paragraphs (1) through (4),
6 the applications for grants shall be made available to eligi-
7 ble applicants not later than 25 days after the date of en-
8 actment of this Act, eligible applicants shall submit appli-
9 cations not later than 90 days after the grant announce-
10 ment, and that the Administrator of the Federal Emer-
11 gency Management Agency shall act within 90 days after
12 receipt of an application: *Provided further*, That the pre-
13 vious proviso shall not apply to funds for necessary ex-
14 penses related to the presence of a National Special Secu-
15 rity Event: *Provided further*, That for grants under para-
16 graphs (5) through (8), the applications for grants shall
17 be made available to eligible applicants not later than 30
18 days after the date of enactment of this Act, eligible appli-
19 cants shall submit applications within 45 days after the
20 grant announcement, and the Administrator of the Fed-
21 eral Emergency Management Agency shall act not later
22 than 60 days after receipt of an application: *Provided fur-*
23 *ther*, That for grants under paragraphs (1) and (2), the
24 installation of communications towers is not considered
25 construction of a building or other physical facility: *Pro-*

1 *vided further*, That grantees shall provide reports on their
2 use of funds, as determined necessary by the Secretary:
3 *Provided further*, That in fiscal year 2011 and hereafter,
4 (a) the Center for Domestic Preparedness may provide
5 training to emergency response providers from the Federal
6 Government, foreign governments, or private entities, if
7 the Center for Domestic Preparedness is reimbursed for
8 the cost of such training, and any reimbursement under
9 this subsection shall be credited to the account from which
10 the expenditure being reimbursed was made and shall be
11 available, without fiscal year limitation, for the purposes
12 for which amounts in the account may be expended; (b)
13 the head of the Center for Domestic Preparedness shall
14 ensure that any training provided under (a) does not inter-
15 fere with the primary mission of the Center to train state
16 and local emergency response providers; (c) subject to (b),
17 nothing in (a) prohibits the Center for Domestic Prepared-
18 ness from providing training to employees of the Federal
19 Emergency Management Agency for the professional de-
20 velopment of those employees pursuant to 5 U.S.C. 4103
21 without reimbursement for the cost of such training.

22 FIREFIGHTER ASSISTANCE GRANTS

23 For necessary expenses for programs authorized by
24 the Federal Fire Prevention and Control Act of 1974 (15
25 U.S.C. 2201 et seq.), \$840,000,000, of which

1 \$420,000,000 shall be available to carry out section 33
2 of that Act (15 U.S.C. 2229) and \$420,000,000 shall be
3 available to carry out section 34 of that Act (15 U.S.C.
4 2229a), to remain available until September 30, 2012:
5 *Provided*, That notwithstanding the requirement under
6 section 34(a)(1)(A) of such Act that grants must be used
7 to increase the number of firefighters in fire departments,
8 the Secretary of Homeland Security, in making grants
9 under section 34 of such Act using the funds made avail-
10 able under this heading, shall grant waivers from the re-
11 quirements of subsections (a)(1)(B), (c)(1), (c)(2), and
12 (c)(4)(A) of such section: *Provided further*, That section
13 34(a)(1)(E) of such Act shall not apply with respect to
14 funds appropriated under this heading for grants under
15 section 34 of such Act: *Provided further*, That the Sec-
16 retary of Homeland Security, in making grants under sec-
17 tion 34 of such Act, shall ensure that funds appropriated
18 under this heading are made available for the retention
19 of firefighters: *Provided further*, That not to exceed 5 per-
20 cent of the amount available under this heading shall be
21 available for program administration.

22 EMERGENCY MANAGEMENT PERFORMANCE GRANTS

23 For necessary expenses for emergency management
24 performance grants, as authorized by the National Flood
25 Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-

1 ert T. Stafford Disaster Relief and Emergency Assistance
2 Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards
3 Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Re-
4 organization Plan No. 3 of 1978 (5 U.S.C. App.),
5 \$345,000,000: *Provided*, That total administrative costs
6 shall not exceed 3 percent of the total amount appro-
7 priated under this heading.

8 RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

9 The aggregate charges assessed during fiscal year
10 2011, as authorized in title III of the Departments of Vet-
11 erans Affairs and Housing and Urban Development, and
12 Independent Agencies Appropriations Act, 1999 (42
13 U.S.C. 5196e), shall not be less than 100 percent of the
14 amounts anticipated by the Department of Homeland Se-
15 curity necessary for the radiological emergency prepared-
16 ness program for the next fiscal year: *Provided*, That the
17 methodology for assessment and collection of fees under
18 that title shall be fair and equitable and shall reflect costs
19 of providing such services, including administrative costs
20 of collecting such fees: *Provided further*, That fees col-
21 lected shall be deposited in this account as offsetting col-
22 lections and will become available for authorized purposes
23 on October 1, 2011, and remain available until expended.

1 UNITED STATES FIRE ADMINISTRATION

2 For necessary expenses of the United States Fire Ad-
3 ministration and for other purposes, as authorized by the
4 Federal Fire Prevention and Control Act of 1974 (15
5 U.S.C. 2201 et seq.) and the Homeland Security Act of
6 2002 (6 U.S.C. 101 et seq.), \$45,930,000.

7 DISASTER RELIEF

8 (INCLUDING TRANSFERS OF FUNDS)

9 For necessary expenses in carrying out the Robert
10 T. Stafford Disaster Relief and Emergency Assistance Act
11 (42 U.S.C. 5121 et seq.), \$1,950,000,000, to remain avail-
12 able until expended: *Provided*, That the Federal Emer-
13 gency Management Agency shall submit an expenditure
14 plan to the Committees on Appropriations of the Senate
15 and the House of Representatives detailing the use of the
16 funds for disaster readiness and support not later than
17 60 days after the date of enactment of this Act: *Provided*
18 *further*, That the Federal Emergency Management Agency
19 shall submit to such Committees a quarterly report detail-
20 ing obligations against the expenditure plan and a jus-
21 tification for any changes in spending: *Provided further*,
22 That of the total amount provided, \$16,000,000 shall be
23 transferred to the Department of Homeland Security Of-
24 fice of Inspector General for audits and investigations re-
25 lated to disasters, subject to section 503 of this Act: *Pro-*

1 *vided further*, That, not later than 60 days after enact-
2 ment of this Act, \$145,600,000 shall be transferred to
3 Federal Emergency Management Agency “Management
4 and Administration” for management and administration
5 functions: *Provided further*, That the Federal Emergency
6 Management Agency shall submit the monthly “Disaster
7 Relief” report, as specified in Public Law 110–161, to the
8 Committees on Appropriations of the Senate and the
9 House of Representatives, and include the amounts pro-
10 vided to each Federal agency for mission assignments:
11 *Provided further*, That for any request for reimbursement
12 from a Federal agency to the Department of Homeland
13 Security to cover expenditures under the Robert T. Staf-
14 ford Disaster Relief and Emergency Assistance Act (42
15 U.S.C. 5121 et seq.), or any mission assignment orders
16 issued by the Department for such purposes, the Secretary
17 of Homeland Security shall take appropriate steps to en-
18 sure that each agency is periodically reminded of Depart-
19 ment policies on—

20 (1) the detailed information required in sup-
21 porting documentation for reimbursements; and

22 (2) the necessity for timeliness of agency bil-
23 lings.

1 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

2 For activities under section 319 of the Robert T.
3 Stafford Disaster Relief and Emergency Assistance Act
4 (42 U.S.C. 5162), \$295,000 is for the cost of direct loans:
5 *Provided*, That gross obligations for the principal amount
6 of direct loans shall not exceed \$25,000,000: *Provided fur-*
7 *ther*, That the cost of modifying such loans shall be as
8 defined in section 502 of the Congressional Budget Act
9 of 1974 (2 U.S.C. 661a).

10 FLOOD HAZARD MAPPING AND RISK ANALYSIS

11 For necessary expenses under section 1360 of the
12 National Flood Insurance Act of 1968 (42 U.S.C. 4101),
13 \$194,000,000, and such additional sums as may be pro-
14 vided by State and local governments or other political
15 subdivisions for cost-shared mapping activities under sec-
16 tion 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to re-
17 main available until expended: *Provided*, That total admin-
18 istrative costs shall not exceed 5 percent of the total
19 amount appropriated under this heading.

20 NATIONAL FLOOD INSURANCE FUND

21 For activities under the National Flood Insurance
22 Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Dis-
23 aster Protection Act of 1973 (42 U.S.C. 4001 et seq.),
24 \$169,000,000, which shall be derived from offsetting col-
25 lections assessed and collected under section 1308(d) of

1 the National Flood Insurance Act of 1968 (42 U.S.C.
2 4015(d)), of which not to exceed \$22,145,000 shall be
3 available for salaries and expenses associated with flood
4 mitigation and flood insurance operations; and not less
5 than \$146,855,000 shall be available for flood plain man-
6 agement and flood mapping, which shall remain available
7 until September 30, 2012: *Provided*, That any additional
8 fees collected pursuant to section 1308(d) of the National
9 Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall
10 be credited as an offsetting collection to this account, to
11 be available for flood plain management and flood map-
12 ping: *Provided further*, That in fiscal year 2011, no funds
13 shall be available from the National Flood Insurance Fund
14 under section 1310 of that Act (42 U.S.C. 4017) in excess
15 of: (1) \$110,000,000 for operating expenses; (2)
16 \$963,339,000 for commissions and taxes of agents; (3)
17 such sums as are necessary for interest on Treasury bor-
18 rowings; and (4) \$120,000,000, which shall remain avail-
19 able until expended for flood mitigation actions, of which
20 not less than \$40,000,000 is for severe repetitive loss
21 properties under section 1361A of the National Flood In-
22 surance Act of 1968 (42 U.S.C. 4102a), of which
23 \$10,000,000 shall be for repetitive insurance claims prop-
24 erties under section 1323 of the National Flood Insurance
25 Act of 1968 (42 U.S.C. 4030), and of which \$40,000,000

1 shall be for flood mitigation assistance under section 1366
2 of the National Flood Insurance Act of 1968 (42 U.S.C.
3 4104c) notwithstanding subparagraphs (B) and (C) of
4 subsection (b)(3) and subsection (f) of section 1366 of the
5 National Flood Insurance Act of 1968 (42 U.S.C. 4104c)
6 and notwithstanding subsection (a)(7) of section 1310 of
7 the National Flood Insurance Act of 1968 (42 U.S.C.
8 4017): *Provided further*, That amounts collected under
9 section 102 of the Flood Disaster Protection Act of 1973
10 (42 U.S.C. 4012a) and section 1366(i) of the National
11 Flood Insurance Act of 1968 shall be deposited in the Na-
12 tional Flood Insurance Fund to supplement other amounts
13 specified as available for section 1366 of the National
14 Flood Insurance Act of 1968, notwithstanding subsection
15 (f)(8) of such section 102 (42 U.S.C. 4012a(f)(8) and sec-
16 tion 1366(i) and paragraphs (2) and (3) of section
17 1367(b) of the National Flood Insurance Act of 1968 (42
18 U.S.C. 4104c(i), 4104d(b)(2)–(3)): *Provided further*, That
19 total administrative costs shall not exceed 4 percent of the
20 total appropriation.

21 NATIONAL PREDISASTER MITIGATION FUND

22 For the predisaster mitigation grant program under
23 section 203 of the Robert T. Stafford Disaster Relief and
24 Emergency Assistance Act (42 U.S.C. 5133), including
25 administrative costs, \$85,000,000, to remain available

1 until expended and to be obligated as detailed in the state-
2 ment accompanying this Act: *Provided*, That the total ad-
3 ministrative costs associated with such grants shall not ex-
4 ceed 3 percent of the total amount made available under
5 this heading.

6 EMERGENCY FOOD AND SHELTER

7 To carry out the emergency food and shelter program
8 pursuant to title III of the McKinney-Vento Homeless As-
9 sistance Act (42 U.S.C. 11331 et seq.), \$150,000,000, to
10 remain available until expended: *Provided*, That total ad-
11 ministrative costs shall not exceed 3.5 percent of the total
12 amount made available under this heading.

13 TITLE IV
14 RESEARCH AND DEVELOPMENT, TRAINING,
15 AND SERVICES

16 UNITED STATES CITIZENSHIP AND IMMIGRATION
17 SERVICES

18 For necessary expenses for citizenship and immigra-
19 tion services, \$297,993,000, of which \$176,400,000 is for
20 processing applications for asylum or refugee status; and
21 of which \$103,400,000 is for the E-Verify Program, as
22 authorized by section 402 of the Illegal Immigration Re-
23 form and Immigrant Responsibility Act of 1996 (8 U.S.C.
24 1324a note), to assist United States employers with main-
25 taining a legal workforce: *Provided*, That notwithstanding

1 any other provision of law, funds available to United
2 States Citizenship and Immigration Services may be used
3 to acquire, operate, equip, and dispose of up to five vehi-
4 cles, for replacement only, for use in areas where the Ad-
5 ministrator of General Services does not provide vehicles
6 for lease: *Provided further*, That the Director of United
7 States Citizenship and Immigration Services may author-
8 ize employees of United States Citizenship and Immigra-
9 tion Services who are assigned to those areas to use such
10 vehicles to travel between the employees' residences and
11 places of employment: *Provided further*, That none of the
12 funds made available in this Act for grants for immigrant
13 integration may be used to provide services to aliens who
14 have not been lawfully admitted to the United States for
15 permanent residence.

16 FEDERAL LAW ENFORCEMENT TRAINING CENTER

17 SALARIES AND EXPENSES

18 For necessary expenses of the Federal Law Enforce-
19 ment Training Center as authorized under section 884 of
20 the Homeland Security Act of 2002 (6 U.S.C. 464), in-
21 cluding materials and support costs of Federal law en-
22 forcement basic training; the purchase of not to exceed
23 117 vehicles for police-type use and hire of passenger
24 motor vehicles; expenses for student athletic and related
25 activities; the conduct of and participation in firearms

1 matches and presentation of awards; public awareness and
2 enhancement of community support of law enforcement
3 training; room and board for student interns; a flat
4 monthly reimbursement to employees authorized to use
5 personal mobile phones for official duties; and services as
6 authorized by section 3109 of title 5, United States Code,
7 \$234,500,000, of which up to \$48,420,000 shall remain
8 available until September 30, 2012, for materials and sup-
9 port costs of Federal law enforcement basic training; and
10 of which not to exceed \$12,000 shall be for official recep-
11 tion and representation expenses: *Provided*, That of the
12 total amount made available under this heading, not to
13 exceed \$30,000,000 shall be for management and adminis-
14 tration: *Provided further*, That the Center is authorized
15 to obligate funds in anticipation of reimbursements from
16 agencies receiving training sponsored by the Center, ex-
17 cept that total obligations at the end of the fiscal year
18 shall not exceed total budgetary resources available at the
19 end of the fiscal year: *Provided further*, That the Director
20 of the Federal Law Enforcement Training Center shall
21 schedule basic or advanced law enforcement training, or
22 both, at all four training facilities under the control of the
23 Federal Law Enforcement Training Center to ensure that
24 such training facilities are operated at the highest capacity
25 throughout the fiscal year: *Provided further*, That section

1 1202(a) of the 2002 Supplemental Appropriations Act for
2 Further Recovery From and Response to Terrorist At-
3 tacks on the United States (Public Law 107–206; 42
4 U.S.C. 3771 note), is amended by striking “December 31,
5 2012” and inserting “December 31, 2013”.

6 ACCREDITATION

7 For necessary expenses of Federal Law Enforcement
8 Training Accreditation activities, \$1,419,000, of which
9 \$300,000 shall remain available until expended to be dis-
10 tributed to Federal law enforcement agencies for expenses
11 incurred participating in training accreditation: *Provided*,
12 That the Federal Law Enforcement Training Accredita-
13 tion Board, including representatives from the Federal law
14 enforcement community and non-Federal accreditation ex-
15 perts involved in law enforcement training, shall lead the
16 Federal law enforcement training accreditation process to
17 continue the implementation of measuring and assessing
18 the quality and effectiveness of Federal law enforcement
19 training programs, facilities, and instructors.

20 ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND

21 RELATED EXPENSES

22 For acquisition of necessary additional real property
23 and facilities, construction, and ongoing maintenance, fa-
24 cility improvements, and related expenses of the Federal
25 Law Enforcement Training Center, \$38,456,000, to re-

1 main available until expended: *Provided*, That the Center
2 is authorized to accept reimbursement to this appropria-
3 tion from Government agencies requesting the construc-
4 tion of special use facilities.

5 SCIENCE AND TECHNOLOGY

6 MANAGEMENT AND ADMINISTRATION

7 For salaries and expenses of the Office of the Under
8 Secretary for Science and Technology and for manage-
9 ment and administration of programs and activities, as
10 authorized by title III of the Homeland Security Act of
11 2002 (6 U.S.C. 181 et seq.), \$145,959,000: *Provided*,
12 That not to exceed \$10,000 shall be for official reception
13 and representation expenses.

14 RESEARCH, DEVELOPMENT, ACQUISITION, AND

15 OPERATIONS

16 For necessary expenses for science and technology re-
17 search, including advanced research projects; development;
18 test and evaluation; acquisition; and operations, as author-
19 ized by title III of the Homeland Security Act of 2002
20 (6 U.S.C. 181 et seq.); and the purchase or lease of not
21 to exceed five vehicles, \$902,651,000, of which
22 \$780,651,000 is to remain available until September 30,
23 2013; and of which not less than \$122,000,000 is to re-
24 main available until September 30, 2015, solely for labora-
25 tory facilities: *Provided*, That not less than \$50,000,000

1 shall be available for university programs: *Provided fur-*
2 *ther*, That not less than \$20,865,000 shall be available for
3 the Southeast Region Research Initiative at the United
4 States Army Corps of Engineers' Engineer Research and
5 Development Center: *Provided further*, That not less than
6 \$2,250,000 shall be available for Distributed Environment
7 for Critical Infrastructure Decisionmaking Exercises: *Pro-*
8 *vided further*, That not less than \$500,000 shall be avail-
9 able to continue a project to develop situational awareness
10 and decision support capabilities through remote sensing
11 technologies: *Provided further*, That not less than
12 \$1,000,000 shall be available to continue a homeland secu-
13 rity research, development, and manufacturing pilot
14 project.

15 DOMESTIC NUCLEAR DETECTION OFFICE

16 MANAGEMENT AND ADMINISTRATION

17 For salaries and expenses of the Domestic Nuclear
18 Detection Office as authorized by title XIX of the Home-
19 land Security Act of 2002 (6 U.S.C. 591 et seq.), for man-
20 agement and administration of programs and activities,
21 \$36,400,000: *Provided*, That not to exceed \$3,000 shall
22 be for official reception and representation expenses: *Pro-*
23 *vided further*, That not later than 180 days after the date
24 of enactment of this Act, the Secretary shall submit to
25 the Committees on Appropriations of the Senate and

1 House of Representatives a strategic plan of investments
2 necessary to implement the Department of Homeland Se-
3 curity's responsibilities under the domestic component of
4 the global nuclear detection architecture that shall: (1) de-
5 fine each Departmental entity's roles and responsibilities
6 in support of the domestic detection architecture, includ-
7 ing any existing or planned programs to pre-screen cargo
8 or conveyances overseas; (2) identify and describe the spe-
9 cific investments being made by Departmental organiza-
10 tions in fiscal year 2011, and planned for fiscal year 2012,
11 to support the domestic architecture and the security of
12 sea, land, and air pathways into the United States; (3)
13 describe the investments necessary to close known
14 vulnerabilities and gaps, including associated costs and
15 timeframes, and estimates of feasibility and cost effective-
16 ness; and (4) explain how the Department's research and
17 development funding is furthering the implementation of
18 the domestic nuclear detection architecture, including spe-
19 cific investments planned for fiscal years 2011 and 2012.

20 RESEARCH, DEVELOPMENT, AND OPERATIONS

21 For necessary expenses for radiological and nuclear
22 detection, development, testing, evaluation, and oper-
23 ations, \$191,242,000, to remain available until September
24 30, 2013: *Provided*, That not later than 60 days after the
25 date of enactment of this Act, all prior year balances avail-

1 able for transformational research and development shall
2 be transferred to Science and Technology “Research, De-
3 velopment, Acquisition, and Operations”.

4 SYSTEMS ACQUISITION

5 For expenses for the Domestic Nuclear Detection Of-
6 fice acquisition and deployment of radiological detection
7 systems in accordance with the global nuclear detection
8 architecture, \$52,000,000, to remain available until Sep-
9 tember 30, 2013: *Provided*, That none of the funds appro-
10 priated under this heading in this Act or any other Act
11 shall be obligated for full-scale procurement of advanced
12 spectroscopic portal monitors until the Secretary of Home-
13 land Security submits to the Committees on Appropria-
14 tions of the Senate and the House of Representatives a
15 report certifying that a significant increase in operational
16 effectiveness will be achieved by such obligation: *Provided*
17 *further*, That the Secretary shall submit separate and dis-
18 tinct certifications prior to the procurement of advanced
19 spectroscopic portal monitors for primary and secondary
20 deployment that address the unique requirements for
21 operational effectiveness of each type of deployment: *Pro-*
22 *vided further*, That the Secretary may continue to consult
23 with the National Academy of Sciences before making
24 such certifications: *Provided further*, That none of the
25 funds appropriated under this heading shall be used for

1 high-risk concurrent development and production of mutu-
2 ally dependent software and hardware.

3 TITLE V

4 GENERAL PROVISIONS

5 (INCLUDING RESCISSIONS OF FUNDS)

6 SEC. 501. No part of any appropriation contained in
7 this Act shall remain available for obligation beyond the
8 current fiscal year unless expressly so provided herein.

9 SEC. 502. Subject to the requirements of section 503
10 of this Act, the unexpended balances of prior appropria-
11 tions provided for activities in this Act may be transferred
12 to appropriation accounts for such activities established
13 pursuant to this Act, may be merged with funds in the
14 applicable established accounts, and thereafter may be ac-
15 counted for as one fund for the same time period as origi-
16 nally enacted.

17 SEC. 503. (a) None of the funds provided by this Act,
18 provided by previous appropriations Acts to the agencies
19 in or transferred to the Department of Homeland Security
20 that remain available for obligation or expenditure in fiscal
21 year 2011, or provided from any accounts in the Treasury
22 of the United States derived by the collection of fees avail-
23 able to the agencies funded by this Act, shall be available
24 for obligation or expenditure through a reprogramming of
25 funds that: (1) creates a new program, project, or activity;

1 (2) eliminates a program, project, office, or activity; (3)
2 increases funds for any program, project, or activity for
3 which funds have been denied or restricted by the Con-
4 gress; (4) proposes to use funds directed for a specific ac-
5 tivity by either of the Committees on Appropriations of
6 the Senate or the House of Representatives for a different
7 purpose; or (5) contracts out any function or activity for
8 which funding levels were requested for Federal full-time
9 equivalents in the object classification tables contained in
10 the fiscal year 2011 Budget Appendix for the Department
11 of Homeland Security, as modified by the explanatory
12 statement accompanying this Act, unless the Committees
13 on Appropriations of the Senate and the House of Rep-
14 resentatives are notified 15 days in advance of such re-
15 programming of funds.

16 (b) None of the funds provided by this Act, provided
17 by previous appropriations Acts to the agencies in or
18 transferred to the Department of Homeland Security that
19 remain available for obligation or expenditure in fiscal
20 year 2011, or provided from any accounts in the Treasury
21 of the United States derived by the collection of fees or
22 proceeds available to the agencies funded by this Act, shall
23 be available for obligation or expenditure for programs,
24 projects, or activities through a reprogramming of funds
25 in excess of \$5,000,000 or 10 percent, whichever is less,

1 that: (1) augments existing programs, projects, or activi-
2 ties; (2) reduces by 10 percent funding for any existing
3 program, project, or activity, or numbers of personnel by
4 10 percent as approved by the Congress; or (3) results
5 from any general savings from a reduction in personnel
6 that would result in a change in existing programs,
7 projects, or activities as approved by the Congress, unless
8 the Committees on Appropriations of the Senate and the
9 House of Representatives are notified 15 days in advance
10 of such reprogramming of funds.

11 (c) Not to exceed 5 percent of any appropriation
12 made available for the current fiscal year for the Depart-
13 ment of Homeland Security by this Act or provided by
14 previous appropriations Acts may be transferred between
15 such appropriations, but no such appropriation, except as
16 otherwise specifically provided, shall be increased by more
17 than 10 percent by such transfers: *Provided*, That any
18 transfer under this section shall be treated as a re-
19 programming of funds under subsection (b) and shall not
20 be available for obligation unless the Committees on Ap-
21 propriations of the Senate and the House of Representa-
22 tives are notified 15 days in advance of such transfer.

23 (d) Notwithstanding subsections (a), (b), and (c) of
24 this section, no funds shall be reprogrammed within or
25 transferred between appropriations after May 31, except

1 in extraordinary circumstances that imminently threaten
2 the safety of human life or the protection of property.

3 SEC. 504. The Department of Homeland Security
4 Working Capital Fund, established pursuant to section
5 403 of the Federal Financial Management Act of 1994
6 (Public Law 103–356; 31 U.S.C. 501 note), shall continue
7 operations as a permanent working capital fund for fiscal
8 year 2011: *Provided*, That none of the funds appropriated
9 or otherwise made available to the Department of Home-
10 land Security may be used to make payments to the Work-
11 ing Capital Fund, except for the activities and amounts
12 allowed in the President’s fiscal year 2011 budget: *Pro-*
13 *vided further*, That funds provided to the Working Capital
14 Fund shall be available for obligation until expended to
15 carry out the purposes of the Working Capital Fund: *Pro-*
16 *vided further*, That all departmental components shall be
17 charged only for direct usage of each Working Capital
18 Fund service: *Provided further*, That funds provided to the
19 Working Capital Fund shall be used only for purposes con-
20 sistent with the contributing component: *Provided further*,
21 That such funds shall be paid in advance or reimbursed
22 at rates which will return the full cost of each service: *Pro-*
23 *vided further*, That the Working Capital Fund shall be
24 subject to the requirements of section 503 of this Act.

1 SEC. 505. Except as otherwise specifically provided
2 by law, not to exceed 50 percent of the amount of any
3 unobligated balances remaining available at the end of fis-
4 cal year 2011 from appropriations for salaries and ex-
5 penses for fiscal year 2011, under this Act shall remain
6 available through September 30, 2012, in the account and
7 for the purposes for which the appropriations were pro-
8 vided: *Provided*, That prior to the obligation of such funds,
9 a request shall be submitted to the Committees on Appro-
10 priations of the Senate and the House of Representatives
11 for approval in accordance with section 503 of this Act.

12 SEC. 506. Funds made available by this Act for intel-
13 ligence activities are deemed to be specifically authorized
14 by the Congress for purposes of section 504 of the Na-
15 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
16 year 2011 until the enactment of an Act authorizing intel-
17 ligence activities for fiscal year 2011.

18 SEC. 507. None of the funds made available by this
19 Act may be used to make a grant allocation, grant award,
20 contract award, other transaction agreement, a task or de-
21 livery order on a Department of Homeland Security mul-
22 tiple award contract, or to issue a letter of intent totaling
23 in excess of \$1,000,000, or to announce publicly the inten-
24 tion to make such an award, including a contract covered
25 by the Federal Acquisition Regulation, unless the Sec-

1 retary of Homeland Security notifies the Committees on
2 Appropriations of the Senate and the House of Represent-
3 atives at least 3 full business days in advance of making
4 such an award or issuing such a letter: *Provided*, That
5 if the Secretary of Homeland Security determines that
6 compliance with this section would pose a substantial risk
7 to human life, health, or safety, an award may be made
8 without such notification and the Committees on Appro-
9 priations of the Senate and the House of Representatives
10 shall be notified not later than 5 full business days after
11 such an award is made or letter issued: *Provided further*,
12 That no notification shall involve funds that are not avail-
13 able for obligation: *Provided further*, That a notification
14 under this section shall include the amount of the award,
15 the fiscal year for which the funds for the award were ap-
16 propriated, and the account from which the funds are
17 being drawn: *Provided further*, That the Federal Emer-
18 gency Management Agency shall brief the Committees on
19 Appropriations of the Senate and the House of Represent-
20 atives 5 full business days in advance of announcing pub-
21 licly the intention of making an award under “State and
22 Local Programs”.

23 SEC. 508. Notwithstanding any other provision of
24 law, no Federal department or agency shall purchase, con-
25 struct, or lease any additional facilities, except within or

1 contiguous to existing locations, to be used for the purpose
2 of conducting Federal law enforcement training without
3 the advance approval of the Committees on Appropriations
4 of the Senate and the House of Representatives, except
5 that the Federal Law Enforcement Training Center is au-
6 thorized to obtain the temporary use of additional facilities
7 by lease, contract, or other agreement for training that
8 cannot be accommodated in existing Center facilities.

9 SEC. 509. None of the funds appropriated or other-
10 wise made available by this Act may be used for expenses
11 for any construction, repair, alteration, or acquisition
12 project for which a prospectus otherwise required under
13 chapter 33 of title 40, United States Code, has not been
14 approved, except that necessary funds may be expended
15 for each project for required expenses for the development
16 of a proposed prospectus.

17 SEC. 510. Sections 520, 522, 528, and 530 of the
18 Department of Homeland Security Appropriations Act,
19 2008 (division E of Public Law 110–161; 121 Stat. 2073
20 et seq.) shall apply with respect to funds made available
21 in this Act in the same manner as such sections applied
22 to funds made available in that Act.

23 SEC. 511. None of the funds made available in this
24 Act may be used in contravention of the applicable provi-
25 sions of the Buy American Act (41 U.S.C. 10a et seq.).

1 SEC. 512. None of the funds made available in this
2 Act may be used by any person other than the Privacy
3 Officer appointed under subsection (a) of section 222 of
4 the Homeland Security Act of 2002 (6 U.S.C. 142(a)) to
5 alter, direct that changes be made to, delay, or prohibit
6 the transmission to Congress of any report prepared under
7 paragraph (6) of such subsection.

8 SEC. 513. None of the funds made available in this
9 Act may be used to amend the oath of allegiance required
10 by section 337 of the Immigration and Nationality Act
11 (8 U.S.C. 1448).

12 SEC. 514. None of the funds appropriated by this Act
13 may be used to process or approve a competition under
14 Office of Management and Budget Circular A-76 for serv-
15 ices provided as of June 1, 2004, by employees (including
16 employees serving on a temporary or term basis) of United
17 States Citizenship and Immigration Services of the De-
18 partment of Homeland Security who are known as of that
19 date as Immigration Information Officers, Contact Rep-
20 resentatives, or Investigative Assistants.

21 SEC. 515. (a) The Assistant Secretary of Homeland
22 Security (Transportation Security Administration) shall
23 work with air carriers and airports to ensure that screen-
24 ing of cargo carried on passenger aircraft, as that term
25 is defined in section 44901(g)(5) of title 49, United States

1 Code, increases incrementally each quarter until the re-
2 quirement under section 44901(g)(2)(B) of such title is
3 met.

4 (b) Not later than 120 days after the end of each
5 quarter, the Assistant Secretary shall submit to the Com-
6 mittees on Appropriations of the Senate and the House
7 of Representatives a report on air cargo inspection statis-
8 ties by airport and air carrier detailing the incremental
9 progress being made to meet the requirement of section
10 44901(g)(2)(B) of title 49, United States Code.

11 SEC. 516. Not later than 45 days after the last day
12 of each month, the Chief Financial Officer of the Depart-
13 ment of Homeland Security shall submit to the Commit-
14 tees on Appropriations of the Senate and the House of
15 Representatives a monthly budget and staffing report for
16 that month that includes total obligations, on-board versus
17 funded full-time equivalent staffing levels, and the number
18 of contract employees for each office of the Department.

19 SEC. 517. Any funds appropriated to Coast Guard
20 “Acquisition, Construction, and Improvements” for fiscal
21 years 2002, 2003, 2004, 2005, and 2006 for the 110–
22 123 foot patrol boat conversion that are recovered, col-
23 lected, or otherwise received as the result of negotiation,
24 mediation, or litigation, shall be available until expended
25 for the Fast Response Cutter program.

1 SEC. 518. None of the funds provided by this or any
2 other Act may be obligated for the development, testing,
3 deployment, or operation of any portion of a human re-
4 sources management system authorized by section
5 9701(a) of title 5, United States Code, or by regulations
6 prescribed pursuant to such section, for an employee, as
7 that term is defined in section 7103(a)(2) of such title.

8 SEC. 519. Section 532(a) of the Department of the
9 Homeland Security Appropriations Act, 2007 (Public Law
10 109–295, 120 Stat. 1384) is amended by striking “2010”
11 and inserting “2011 and thereafter”.

12 SEC. 520. The functions of the Federal Law Enforce-
13 ment Training Center instructor staff shall be classified
14 as inherently governmental for the purpose of the Federal
15 Activities Inventory Reform Act of 1998 (31 U.S.C. 501
16 note).

17 SEC. 521. None of the funds provided by this or pre-
18 vious appropriations Acts shall be used to fund any posi-
19 tion designated as a Principal Federal Official (or the suc-
20 cessor thereto) for any Robert T. Stafford Disaster Relief
21 and Emergency Assistance Act (42 U.S.C. 5121 et seq.)
22 declared disasters or emergencies unless—

23 (1) The responsibilities of the Principal Federal
24 Official do not include operational functions related
25 to incident management, including coordination of

1 operations, and are consistent with the requirements
2 of subsection 509(c) and subsections 503(c)(3) and
3 (c)(4)(A) of the Homeland Security Act of 2002 (6
4 U.S.C. 319(c) and 313(c)(3) and (c)(4)(A)) and sec-
5 tion 302 of the Robert T. Stafford Disaster Relief
6 and Assistance Act (42 U.S.C. 5143); and

7 (2) Not later than 10 business days after the
8 latter of the date on which the Secretary of Home-
9 land Security appoints the Principal Federal Official
10 and the date on which the President issues a dec-
11 laration under section 401 or section 501 of the
12 Robert T. Stafford Disaster Relief and Emergency
13 Assistance Act (42 U.S.C. 5170 and 5191, respec-
14 tively), the Secretary of Homeland Security shall
15 submit a notification of the appointment of the Prin-
16 cipal Federal Official and a description of the re-
17 sponsibilities of such Official and how such respon-
18 sibilities are consistent with paragraph (1) to the
19 Committees on Appropriations of the Senate and the
20 House of Representatives, the Transportation and
21 Infrastructure Committee of the House of Rep-
22 resentatives, and the Homeland Security and Gov-
23 ernmental Affairs Committee of the Senate.

24 (3) Not later than 60 days after the date of en-
25 actment of this Act, the Secretary shall provide a re-

1 port specifying timeframes and milestones regarding
2 the update of operations, planning and policy docu-
3 ments, and training and exercise protocols, to ensure
4 consistency with paragraph (1) of this section.

5 SEC. 522. (a) Except as provided in subsection (b),
6 none of the funds appropriated in this or any other Act
7 to the Office of the Secretary and Executive Management,
8 the Office of the Under Secretary for Management, or the
9 Office of the Chief Financial Officer may be obligated for
10 a grant or contract funded under any such heading by any
11 means other than full and open competition.

12 (b) Subsection (a) does not apply to obligation of
13 funds for a contract awarded—

14 (1) by a means that is required by a Federal
15 statute, including obligation for a purchase made
16 under a mandated preferential program, including
17 the AbilityOne Program, that is authorized under
18 the Javits-Wagner-O'Day Act (41 U.S.C. 46 et
19 seq.);

20 (2) pursuant to the Small Business Act (15
21 U.S.C. 631 et seq.);

22 (3) in an amount less than the simplified acqui-
23 sition threshold described under section 302A(a) of
24 the Federal Property and Administrative Services
25 Act of 1949 (41 U.S.C. 252a(a)); or

1 (4) by a Federal agency other than the Depart-
2 ment of Homeland Security using funds provided
3 through an interagency agreement.

4 (c)(1) Subject to paragraph (2), the Secretary of
5 Homeland Security may waive the applicability of this sec-
6 tion with respect to the award of a contract if such a waiv-
7 er is in the interest of national security or if failure to
8 waive such applicability would pose a substantial risk to
9 human health or welfare.

10 (2) Not later than 5 days after the date on which
11 the Secretary of Homeland Security issues a waiver under
12 this subsection, the Secretary shall submit notification of
13 that waiver to the Committees on Appropriations of the
14 Senate and the House of Representatives, including a de-
15 scription of the contract to which the waiver applies and
16 an explanation of why the waiver authority was used. The
17 Secretary may not delegate the authority to grant such
18 a waiver.

19 (d) In addition to the requirements established by
20 subsections (a), (b), and (c) of this section, the Inspector
21 General of the Department of Homeland Security shall re-
22 view departmental contracts awarded through means other
23 than a full and open competition to assess departmental
24 compliance with applicable laws and regulations: *Provided*,
25 That the Inspector General shall review selected contracts

1 awarded in the previous fiscal year through means other
2 than a full and open competition: *Provided further*, That
3 in selecting which contracts to review, the Inspector Gen-
4 eral shall consider the cost and complexity of the goods
5 and services to be provided under the contract, the criti-
6 cality of the contract to fulfilling Department missions,
7 past performance problems on similar contracts or by the
8 selected vendor, complaints received about the award proc-
9 ess or contractor performance, and such other factors as
10 the Inspector General determines are relevant: *Provided*
11 *further*, That no later than February 7, 2011, the Inspec-
12 tor General shall submit to the Committees on Appropria-
13 tions of the Senate and the House of Representatives a
14 report on the reviews conducted under this section.

15 SEC. 523. None of the funds made available in this
16 or any other Act may be used to enforce section 4025(1)
17 of the Intelligence Reform and Terrorism Prevention Act
18 of 2004 (Public Law 108–458; 118 Stat. 3724) unless the
19 Assistant Secretary of Homeland Security (Transpor-
20 tation Security Administration) reverses the determination
21 of July 19, 2007, that butane lighters are not a significant
22 threat to civil aviation security.

23 SEC. 524. None of the funds made available by this
24 Act may be used to take an action that would violate Exec-
25 utive Order No. 13423 (72 Fed. Reg. 3919; relating to

1 strengthening Federal environmental, energy, and trans-
2 portation management).

3 SEC. 525. Funds made available in this Act may be
4 used to alter operations within the Civil Engineering Pro-
5 gram of the Coast Guard nationwide, including civil engi-
6 neering units, facilities design and construction centers,
7 maintenance and logistics commands, and the Coast
8 Guard Academy, except that none of the funds provided
9 in this Act may be used to reduce operations within any
10 Civil Engineering Unit unless specifically authorized by a
11 statute enacted after the date of the enactment of this
12 Act.

13 SEC. 526. None of the funds made available in this
14 Act shall be available to carry out section 872 of the
15 Homeland Security Act of 2002 (6 U.S.C. 452).

16 SEC. 527. None of the funds made available in this
17 Act may be used by United States Citizenship and Immi-
18 gration Services to grant an immigration benefit unless
19 the results of background checks required by law to be
20 completed prior to the granting of the benefit have been
21 received by United States Citizenship and Immigration
22 Services and such results do not preclude the granting of
23 the benefit.

24 SEC. 528. None of the funds made available in this
25 or any other Act for fiscal year 2011 and hereafter may

1 be used to destroy or put out to pasture any horse or other
2 equine belonging to any component or agency of the De-
3 partment of Homeland Security that has become unfit for
4 service, unless the trainer or handler is first given the op-
5 tion to take possession of the equine through an adoption
6 program that has safeguards against slaughter and inhu-
7 mane treatment.

8 SEC. 529. None of the funds appropriated by this Act
9 may be used to conduct, or to implement the results of,
10 a competition under Office of Management and Budget
11 Circular A-76 for activities performed with respect to the
12 Coast Guard National Vessel Documentation Center.

13 SEC. 530. None of the funds provided in this Act
14 under the heading “Office of the Chief Information Offi-
15 cer” shall be used for data center development other than
16 for Data Center One (National Center for Critical Infor-
17 mation Processing and Storage) until the Chief Informa-
18 tion Officer certifies that Data Center One is fully utilized
19 as the Department’s primary data storage center at the
20 highest capacity throughout the fiscal year.

21 SEC. 531. Section 831 of the Homeland Security Act
22 of 2002 (6 U.S.C. 391) is amended—

23 (1) in subsection (a), by striking “Until Sep-
24 tember 30, 2010” and inserting “Until September
25 30, 2011,”; and

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

3 SEC. 532. None of the funds in this Act shall be used
4 to reduce the United States Coast Guard’s Operations
5 Systems Center mission or its Government-employed or
6 contract staff levels.

7 SEC. 533. The Secretary of Homeland Security shall
8 require that all contracts entered into by the Department
9 of Homeland Security that provide award fees link such
10 fees to successful acquisition outcomes (which outcomes
11 shall be specified in terms of cost, schedule, and perform-
12 ance).

13 SEC. 534. None of the funds made available to the
14 “Office of the Secretary and Executive Management”
15 under this Act may be expended to hire any new employees
16 of the Department of Homeland Security who are not
17 verified through the E-Verify Program established under
18 title IV of the Illegal Immigration Reform and Immigrant
19 Responsibility Act of 1996 (8 U.S.C. 1324a note).

20 SEC. 535. None of the funds made available in this
21 Act for U.S. Customs and Border Protection may be used
22 to prevent an individual not in the business of importing
23 a prescription drug (within the meaning of section 801(g)
24 of the Federal Food, Drug, and Cosmetic Act) from im-
25 porting a prescription drug from Canada that complies

1 with the Federal Food, Drug, and Cosmetic Act: *Provided*,
2 That this section shall apply only to individuals trans-
3 porting on their person a personal-use quantity of the pre-
4 scription drug, not to exceed a 90-day supply: *Provided*
5 *further*, That the prescription drug may not be—

6 (1) a controlled substance, as defined in section
7 102 of the Controlled Substances Act (21 U.S.C.
8 802); or

9 (2) a biological product, as defined in section
10 351 of the Public Health Service Act (42 U.S.C.
11 262).

12 SEC. 536. None of the funds made available in this
13 Act may be used by the Secretary of Homeland Security
14 or any delegate of the Secretary to issue any rule or regu-
15 lation which implements the Notice of Proposed Rule-
16 making related to Petitions for Aliens To Perform Tem-
17 porary Nonagricultural Services or Labor (H-2B) set out
18 beginning on 70 Fed. Reg. 3984 (January 27, 2005).

19 SEC. 537. The Secretary of Homeland Security, in
20 consultation with the Secretary of the Treasury, shall no-
21 tify the Committees on Appropriations of the Senate and
22 the House of Representatives of any proposed transfers
23 of funds available under section 9703(g)(4)(B) of title 31,
24 Unites States Code (added by Public Law 102-393) from
25 the Department of the Treasury Forfeiture Fund to any

1 agency within the Department of Homeland Security: *Pro-*
2 *vided*, That none of the funds identified for such a trans-
3 fer may be obligated until the Committees on Appropria-
4 tions of the Senate and the House of Representatives ap-
5 prove the proposed transfers.

6 SEC. 538. None of the funds made available in this
7 Act may be used for planning, testing, piloting, or devel-
8 oping a national identification card.

9 SEC. 539. If the Assistant Secretary of Homeland Se-
10 curity (Transportation Security Administration) deter-
11 mines that an airport does not need to participate in the
12 E-Verify Program established under title IV of the Illegal
13 Immigration Reform and Immigrant Responsibility Act of
14 1996 (8 U.S.C. 1324a note), the Assistant Secretary shall
15 certify to the Committees on Appropriations of the Senate
16 and the House of Representatives that no security risks
17 will result from such nonparticipation.

18 SEC. 540. (a) Notwithstanding any other provision
19 of this Act, except as provided in subsection (b), and by
20 the later of 30 days after the date that the President de-
21 termines whether to declare a major disaster because of
22 an event or the date of the completion of any appeal by
23 a Governor regarding such determination, the Adminis-
24 trator shall submit to the Committee on Homeland Secu-
25 rity and Governmental Affairs of the Senate, the Com-

1 mittee on Homeland Security of the House of Representa-
2 tives, the Committee on Transportation and Infrastruc-
3 ture of the House of Representatives, the Committees on
4 Appropriations of the Senate and the House of Represent-
5 atives, and publish on the website of the Federal Emer-
6 gency Management Agency, a report regarding that deci-
7 sion, summarizing damage assessment information used
8 to determine whether to declare a major disaster.

9 (b) The Administrator may redact from a report
10 under subsection (a) any data that the Administrator de-
11 termines would compromise national security.

12 (c) In this section—

13 (1) the term “Administrator” means the Ad-
14 ministrator of the Federal Emergency Management
15 Agency; and

16 (2) the term “major disaster” has the meaning
17 given that term in section 102 of the Robert T.
18 Stafford Disaster Relief and Emergency Assistance
19 Act (42 U.S.C. 5122).

20 SEC. 541. (a) Notwithstanding any other provision
21 of law, during fiscal year 2011 or any subsequent fiscal
22 year, if the Secretary of Homeland Security determines
23 that the National Bio- and Agro-defense Facility is to be
24 located at a site other than Plum Island, New York, the
25 Secretary shall ensure that the Administrator of General

1 Services sells, through public sale, all real and related per-
2 sonal property and transportation assets that support
3 Plum Island operations, subject to such terms and condi-
4 tions as may be necessary to protect Government interests
5 and meet program requirements.

6 (b) The proceeds of any sale described in subsection
7 (a) shall be deposited as offsetting collections into the De-
8 partment of Homeland Security Science and Technology
9 “Research, Development, Acquisition, and Operations” ac-
10 count and, subject to appropriation, shall be available until
11 expended, for site acquisition, construction, and costs re-
12 lated to the construction of the National Bio- and Agro-
13 defense Facility, including the costs associated with the
14 sale, including due diligence requirements, necessary envi-
15 ronmental remediation at Plum Island, and reimburse-
16 ment of any expenses incurred by the General Services Ad-
17 ministration.

18 SEC. 542. (a) For an additional amount for Science
19 and Technology, “Research, Development, Acquisition,
20 and Operations”, \$40,000,000, to remain available until
21 September 30, 2012, for construction of the Central Util-
22 ity Plant at the approved National Bio- and Agro-defense
23 Facility site in Manhattan, Kansas.

24 (b) The Department shall provide an update of the
25 site-specific biosafety and biosecurity mitigation risk as-

1 assessment of the National Bio- and Agro-defense Facility
2 in Manhattan, Kansas that integrates findings from the
3 Department's risk assessment, as well as findings from the
4 National Academy of Sciences' evaluation of the Depart-
5 ment's risk assessment. The update shall:

6 (1) include strategies to mitigate the risk of
7 foot-and-mouth disease virus release from the lab-
8 oratory and ensure safe operations at the approved
9 National Bio- and Agro-defense Facility site in Man-
10 hattan, Kansas;

11 (2) address the impact of surveillance, response,
12 and mitigation plans (developed in consultation with
13 local, State, and national authorities and appro-
14 priate stakeholders) if a release occurs, to detect and
15 control the spread of disease; and

16 (3) address how the Department will collaborate
17 with the United States Department of Agriculture
18 and other appropriate Federal departments and
19 agencies to identify and complete such additional
20 studies as may be necessary in order to secure a fu-
21 ture permit from the United States Department of
22 Agriculture to operate the National Bio- and Agro-
23 defense Facility safely and securely.

24 (c) The Secretary of Homeland Security shall enter
25 into a contract with the National Academy of Sciences to

1 evaluate the adequacy and validity of the risk assessment
2 required by subsection (b). The National Academy of
3 Sciences shall submit a report on such evaluation within
4 4 months after the date the Department of Homeland Se-
5 curity concludes its mitigation risk assessment.

6 SEC. 543. Any official who is required by this Act
7 to report or certify to the Committees on Appropriations
8 of the Senate and the House of Representatives may not
9 delegate such authority to perform that act unless specifi-
10 cally authorized herein.

11 SEC. 544. Section 203(m) of the Robert T. Stafford
12 Disaster Relief and Emergency Assistance Act (42 U.S.C.
13 5133(m)) is amended by striking “September 30, 2010”
14 and inserting “September 30, 2011”.

15 SEC. 545. Section 550(b) of the Department of
16 Homeland Security Appropriations Act, 2007 (Public Law
17 109–295; 6 U.S.C. 121 note) is amended by striking “on
18 October 4, 2010” and inserting “on October 4, 2011”.

19 SEC. 546. None of the funds made available in this
20 Act may be used for first-class travel by the employees
21 of agencies funded by this Act in contravention of sections
22 301–10.122 through 301.10–124 of title 41, Code of Fed-
23 eral Regulations.

24 SEC. 547. For purposes of section 210C of the Home-
25 land Security Act of 2002 (6 U.S.C. 124j), for fiscal year

1 2011 and hereafter, a rural area shall also include any
2 area that is located in a metropolitan statistical area and
3 a county, borough, parish, or area under the jurisdiction
4 of an Indian tribe with a population of not more than
5 50,000.

6 SEC. 548. None of the funds made available in this
7 Act may be used to propose or effect a disciplinary or ad-
8 verse action with respect to any Department of Homeland
9 Security employee who engages regularly with the public
10 in the performance of his or her official duties solely be-
11 cause that employee elects to utilize protective equipment
12 or measures, including surgical masks, N95 respirators,
13 gloves, or hand-sanitizers, where use of such equipment
14 or measures is in accordance with Department of Home-
15 land Security policy, and Centers for Disease Control and
16 Prevention and Office of Personnel Management guidance.

17 SEC. 549. None of the funds made available in this
18 Act may be used to employ workers described in section
19 274A(h)(3) of the Immigration and Nationality Act (8
20 U.S.C. 1324a(h)(3)).

21 SEC. 550. (a) Any company that collects or retains
22 personal information directly from any individual who par-
23 ticipates in the Registered Traveler program of the Trans-
24 portation Security Administration shall safeguard and dis-

1 pose of such information in accordance with the require-
2 ments in—

3 (1) the National Institute for Standards and
4 Technology Special Publication 800–30, entitled
5 “Risk Management Guide for Information Tech-
6 nology Systems”;

7 (2) the National Institute for Standards and
8 Technology Special Publication 800–53, Revision 3,
9 entitled “Recommended Security Controls for Fed-
10 eral Information Systems and Organizations”; and

11 (3) any supplemental standards established by
12 the Assistant Secretary, Transportation Security Ad-
13 ministration (referred to in this section as the “As-
14 sistant Secretary”).

15 (b) The airport authority or air carrier operator that
16 sponsors the company under the Registered Traveler pro-
17 gram shall be known as the Sponsoring Entity.

18 (c) The Assistant Secretary shall require any com-
19 pany covered by subsection (a) to provide, not later than
20 30 days after the date of the enactment of this Act, to
21 the Sponsoring Entity written certification that the proce-
22 dures used by the company to safeguard and dispose of
23 information are in compliance with the requirements
24 under subsection (a). Such certification shall include a de-

1 description of the procedures used by the company to comply
2 with such requirements.

3 (d) Not later than 90 days after the date of the enact-
4 ment of this Act, the Assistant Secretary shall submit to
5 the Committees on Appropriations of the Senate and
6 House of Representatives a report that includes a descrip-
7 tion of—

8 (1) the procedures that have been used to safe-
9 guard and dispose of personal information collected
10 through the Registered Traveler program; and

11 (2) the status of any certifications required to
12 be submitted by subsection (c).

13 SEC. 551. Notwithstanding any other provision of
14 this Act, none of the funds appropriated or otherwise
15 made available by this Act may be used to pay award or
16 incentive fees for contractor performance that has been
17 judged to be below satisfactory performance or for per-
18 formance that does not meet the basic requirements of a
19 contract.

20 SEC. 552. None of the funds appropriated or other-
21 wise made available by this Act may be used by the De-
22 partment of Homeland Security to enter into any Federal
23 contract unless such contract is entered into in accordance
24 with the requirements of the Federal Property and Admin-
25 istrative Services Act of 1949 (41 U.S.C. 253) or chapter

1 137 of title 10, United States Code, and the Federal Ac-
2 quisition Regulation, unless such contract is otherwise au-
3 thorized by statute to be entered into without regard to
4 the above referenced statutes.

5 (INCLUDING TRANSFERS OF FUNDS)

6 SEC. 553. (a) Funds made available by this Act solely
7 for data center migration may be transferred by the Sec-
8 retary between appropriations for the same purpose, not-
9 withstanding section 503 of this Act.

10 (b) No transfer described in (a) shall occur until 15
11 days after the Committees on Appropriations of the Sen-
12 ate and the House of Representatives are notified of such
13 transfer.

14 SEC. 554. The administrative law judge annuitants
15 participating in the Senior Administrative Law Judge
16 Program managed by the Director of the Office of Per-
17 sonnel Management under section 3323 of title 5, United
18 States Code, shall be available on a temporary re-employ-
19 ment basis to conduct arbitrations of disputes as part of
20 the arbitration panel established by the President under
21 section 601 of division A of the American Recovery and
22 Reinvestment Act of 2009 (Public Law 111-5; 123 Stat.
23 164).

24 SEC. 555. For an additional amount for the “Office
25 of the Under Secretary for Management”, \$270,800,000

1 to remain available until expended for necessary expenses
2 to plan, acquire, construct, renovate, remediate, equip,
3 furnish, and occupy buildings and facilities to consolidate
4 the Department of Homeland Security headquarters at St.
5 Elizabeths, and for associated mission support lease con-
6 solidation: *Provided*, That the Committees on Appropria-
7 tions of the Senate and House of Representatives shall
8 receive an expenditure plan no later than 60 days after
9 the date of enactment of this Act detailing the allocation
10 of these funds.

11 (INCLUDING TRANSFERS OF FUNDS)

12 SEC. 556. For an additional amount for the “Office
13 of the Under Secretary for Management”, \$10,000,000,
14 to increase the acquisition workforce capacity and capa-
15 bilities of the Department of Homeland Security: *Pro-*
16 *vided*, That such funds may be transferred by the Under
17 Secretary for Management to any other account in the De-
18 partment to carry out the purposes provided herein: *Pro-*
19 *vided further*, That such transfer authority is in addition
20 to any other transfer authority provided in this Act, but
21 no transfer shall occur until 15 days after the Committees
22 on Appropriations of the Senate and the House of Rep-
23 resentatives are notified of such transfer: *Provided further*,
24 That any such notification shall include an expenditure
25 plan that outlines the amount of funds to be obligated,

1 the number of personnel to be hired and the details of
2 any other intended uses of these funds: *Provided further*,
3 That such funds shall be available only to supplement and
4 not to supplant existing acquisition workforce activities:
5 *Provided further*, That such funds shall be available for
6 training, recruitment, retention, and hiring additional
7 members of the acquisition workforce as defined by the
8 Office of Federal Procurement Policy Act (41 U.S.C. 401
9 et seq.): *Provided further*, That such funds shall be avail-
10 able for information technology in support of acquisition
11 workforce effectiveness or for management solutions to
12 improve acquisition management.

13 SEC. 557. Section 559(e) of the Department of
14 Homeland Security Appropriations Act, 2010 (Public Law
15 111–83) is amended—

16 (1) in the matter preceding the first proviso, by
17 striking “law, sell” and inserting “law, hereafter
18 sell”; and

19 (2) in the first proviso—

20 (A) by striking “shall be deposited” and
21 inserting “shall hereafter be deposited”; and

22 (B) by striking “subject to appropriation,”
23 and inserting “without further appropriations,”.

24 SEC. 558. (a) Not later than 180 days after the date
25 of enactment of this Act, the Assistant Secretary of Home-

1 land Security (Transportation Security Administration)
2 shall submit to the Committees on Appropriations of the
3 Senate and the House of Representatives, a report that
4 either—

5 (1) certifies that the requirement for screening
6 all air cargo on passenger aircraft by the deadline
7 under section 44901(g) of title 49, United States
8 Code, has been met; or

9 (2) includes a strategy to comply with the re-
10 quirements under title 44901(g) of title 49, United
11 States Code, including—

12 (A) a plan to meet the requirement under
13 section 44901(g) of title 49, United States
14 Code, to screen 100 percent of air cargo trans-
15 ported on passenger aircraft arriving in the
16 United States in foreign air transportation (as
17 that term is defined in section 40102 of that
18 title); and

19 (B) specification of—

20 (i) the percentage of such air cargo
21 that is being screened; and

22 (ii) the schedule for achieving screen-
23 ing of 100 percent of such air cargo.

24 (b) The Assistant Secretary shall continue to submit
25 reports described in subsection (a)(2) every 180 days

1 thereafter until the Assistant Secretary certifies that the
2 Transportation Security Administration has achieved
3 screening of 100 percent of such air cargo.

4 SEC. 559. In developing any process to screen avia-
5 tion passengers and crews for transportation or national
6 security purposes, the Secretary of Homeland Security
7 shall ensure that any processes developed take into consid-
8 eration such passengers' and crews' privacy and civil lib-
9 erties consistent with applicable laws, regulations, and
10 guidance.

11 SEC. 560. Notwithstanding any other provision of
12 law, should the Secretary of Homeland Security determine
13 that specific U.S. Immigration and Customs Enforcement
14 Service Processing Centers or other U.S. Immigration and
15 Customs Enforcement owned detention facilities no longer
16 meet the mission need, the Secretary is authorized to dis-
17 pose of individual Service Processing Centers or other
18 U.S. Immigration and Customs Enforcement owned de-
19 tention facilities by directing the Administrator of General
20 Services to sell all real and related personal property which
21 support Service Processing Centers or other U.S. Immi-
22 gration and Customs Enforcement owned detention facili-
23 ties, subject to such terms and conditions as necessary to
24 protect Government interests and meet program require-
25 ments: *Provided*, That the proceeds, net of the costs of

1 sale incurred by the General Services Administration and
2 U.S. Immigration and Customs Enforcement, shall be de-
3 posited as offsetting collections into a separate account
4 that shall be available, subject to appropriation, until ex-
5 pended for other real property capital asset needs of exist-
6 ing U.S. Immigration and Customs Enforcement assets,
7 excluding daily operations and maintenance costs, as the
8 Secretary deems appropriate: *Provided further*, That any
9 sale or collocation of federally owned detention facilities
10 shall not result in the maintenance of fewer than 33,400
11 detention beds: *Provided further*, That the Committees on
12 Appropriations of the Senate and the House of Represent-
13 atives shall be notified 15 days prior to the announcement
14 of any proposed sale or collocation.

15 SEC. 561. (a) CIVIL PENALTIES.—Section
16 46301(a)(5)(A)(i) of title 49, United States Code, is
17 amended—

18 (1) by striking “or chapter 449” and inserting
19 “chapter 449”; and

20 (2) by inserting “, or section 46314(a)” after
21 “44909”).

22 (b) CRIMINAL PENALTIES.—Section 46314(b) of title
23 49, United States Code, is amended to read as follows:

1 “(b) CRIMINAL PENALTY.—A person violating sub-
2 section (a) of this section shall be fined under title 18,
3 imprisoned for not more than 10 years, or both.”.

4 (c) NOTICE OF PENALTIES.—Section 46314 of title
5 49, United States Code, is amended by adding at the end
6 the following new subsection:

7 “(c) NOTICE OF PENALTIES.—

8 “(1) IN GENERAL.—Each operator of an air-
9 port in the United States that is required to estab-
10 lish an air transportation security program pursuant
11 to section 44903(c) shall ensure that signs that meet
12 such requirements as the Secretary of Homeland Se-
13 curity may prescribe providing notice of the pen-
14 alties imposed under sections 46301(a)(5)(A)(i) and
15 subsection (b) of this section, are displayed near all
16 screening locations, all locations where passengers
17 exit the sterile area, and such other locations at the
18 airport as the Secretary of Homeland Security deter-
19 mines appropriate.

20 “(2) EFFECT OF SIGNS ON PENALTIES.—An in-
21 dividual shall be subject to the penalty provided for
22 under section 46301(a)(5)(A)(i) and subsection (b)
23 of this section without regard to whether signs are
24 displayed at an airport as required by paragraph
25 (1).”.

1 SEC. 562. Section 301(b) of the McKinney-Vento
2 Homeless Assistance Act (42 U.S.C. 11331(b)) is amend-
3 ed—

4 (1) by striking paragraph (1) and inserting the
5 following:

6 “(1) United Way Worldwide.”; and

7 (2) by striking paragraph (5) and inserting the
8 following:

9 “(5) The Jewish Federations of North America,
10 Inc.”.

11 SEC. 563. Lot 1 of the Morning Heights Subdivision,
12 Lot 2 and PT ST of the Morning Heights Subdivision,
13 Lot 1 and PT ST of the Bayless Addition, and Lot 24
14 of the Bayless Addition in Findlay, Ohio, shall be available
15 for construction and operation of portions of a flood con-
16 trol levee if a feasibility study completed by the Chief of
17 Engineers, of the civil works program, of the United
18 States Army Corps of Engineers indicates that such con-
19 struction is the most appropriate and cost-effective flood
20 risk management project for the area: *Provided*, That
21 those portions of the properties identified by the Chief of
22 Engineers for construction and operation of portions of
23 the flood control levee pursuant to the preceding proviso
24 shall be excepted from section 404(b)(2)(B) of the Robert
25 T. Stafford Disaster Relief and Emergency Assistance

1 Act, and those portions of the named properties that are
2 not used to construct and operate portions of said flood
3 control levee shall remain deeded as open space in per-
4 petuity, in accordance with section 404(b)(2)(B).

5 (INCLUDING TRANSFERS OF FUNDS)

6 SEC. 564. Notwithstanding the 10 percent limitation
7 contained in section 503(c) of this Act, the Secretary of
8 Homeland Security may transfer to the fund established
9 by 8 U.S.C. 1101 (note), up to \$20,000,000 from appro-
10 priations available to the Department of Homeland Secu-
11 rity: *Provided*, That the Secretary shall notify the Commit-
12 tees on Appropriations of the Senate and the House of
13 Representatives 5 days in advance of such transfer.

14 (INCLUDING TRANSFERS OF FUNDS)

15 SEC. 565. (a) The Secretary of Homeland Security
16 may transfer to the Secretary of the Interior amounts
17 available for environmental mitigation requirements for
18 “U.S. Customs and Border Protection—Border Security
19 Fencing, Infrastructure, and Technology” for fiscal year
20 2009 or thereafter, for use by the Secretary of the Interior
21 under laws administered by such Secretary to mitigate ad-
22 verse environmental impacts, including impact on species
23 listed under the Endangered Species Act of 1973 (16
24 U.S.C. 1531 et seq.) resulting from construction, oper-

1 ation, and maintenance activities related to border secu-
2 rity.

3 (b) Uses of funds authorized by this section include
4 acquisition of land or interests in land that will, in the
5 judgment of the Secretary of the Interior, mitigate or off-
6 set such adverse impacts.

7 (c) Any funds transferred under this section shall be
8 used in accordance with an agreement between the Secre-
9 taries.

10 (d) Not later than September 30, 2011, and on an
11 annual basis thereafter, the Secretary of the Interior, in
12 consultation with the Secretary of Homeland Security,
13 shall submit to the Committees on Appropriations of the
14 Senate and the House of Representatives a report that
15 describes in detail the actions taken in the preceding year
16 with amounts transferred under this section.

17 SEC. 566. (a) Subject to subsection (b), for fiscal year
18 2011, the Coast Guard may enter into Economy Act
19 Agreements (31 U.S.C. 1535) with the Secretary of the
20 Navy for the disposal of Coast Guard vessels pursuant to
21 the authority, terms and conditions set forth in 10 U.S.C.
22 7305 and 7305a.

23 (b) Any agreement entered into under subsection (a)
24 shall be at no additional cost to the United States Navy.

1 SEC. 567. For fiscal year 2011 and hereafter, U.S.
2 Customs and Border Protection’s Advanced Training Cen-
3 ter is authorized to charge fees for any service and/or
4 thing of value it provides to Federal Government or non-
5 government entities or individuals, so long as the fees
6 charged do not exceed the full costs associated with the
7 service or thing of value provided: *Provided*, That notwith-
8 standing 31 U.S.C. 3302(b), fees collected by the Ad-
9 vanced Training Center are to be deposited into a separate
10 account entitled the “Advanced Training Center Revolving
11 Fund”, and be available, without further appropriations,
12 for necessary expenses of the Advanced Training Center
13 program, and are to remain available until expended.

14 SEC. 568. Notwithstanding any other provision of
15 law, including any agreement, the Federal share of assist-
16 ance, including direct Federal assistance provided under
17 sections 403, 406, and 407 of the Robert T. Stafford Dis-
18 aster Relief and Emergency Assistance Act (42 U.S.C.
19 5140b, 5172, and 5173), for damages resulting from
20 FEMA–1867–DR, FEMA–1873–DR, FEMA–1889–DR,
21 and FEMA–1897–DR shall not be less than 90 percent
22 of the eligible costs under such sections.

23 SEC. 569. The Administrator of the Federal Emer-
24 gency Management Agency shall consider as non-discre-
25 tionary the decision to award grants for the construction

1 and equipping of any interoperable communications sys-
2 tem for which construction was initiated before June 1,
3 2009, for which grant applications were made under sec-
4 tion 573 of division E of the Consolidated Appropriations
5 Act, 2008 (Public Law 110–161), section 10501 of divi-
6 sion B of the Consolidated Security, Disaster Assistance,
7 and Continuing Appropriations Act, 2009 (Public Law
8 110–329), or section 603 of the Supplemental Appropria-
9 tions Act, 2009 (Public Law 111–32).

10

RESCISSIONS

11 SEC. 570. The following unobligated balances made
12 available pursuant to section 505 of Public Law 111–83
13 are rescinded: \$886,665 from the “Office of the Secretary
14 and Executive Management”; \$603,638 from the “Office
15 of the Under Secretary for Management”; \$24,379 from
16 the “Office of the Chief Financial Officer”; \$29,736 from
17 the “Office of the Chief Information Officer”; \$183,762
18 from “Analysis and Operations”; \$76,498 from the “Of-
19 fice of the Federal Coordinator for Gulf Coast Rebuild-
20 ing”; \$152,735 from the “Office of Inspector General”;
21 \$7,610,588 from U.S. Customs and Border Protection
22 “Salaries and Expenses”; \$3,443,644 from U.S. Immigra-
23 tion and Customs Enforcement “Salaries and Expenses”;
24 \$4,542,980 from the Transportation Security Administra-
25 tion “Federal Air Marshals”; \$246,435 from Coast Guard

1 “Operating Expenses”; \$2,965,312 from Coast Guard
2 “Reserve Training”; \$83,784 from National Protection
3 and Programs Directorate “Management and Administra-
4 tion”; \$551,737 from National Protection and Programs
5 Directorate “Infrastructure Protection and Information
6 Security”; \$700,167 from United States Secret Service
7 “Salaries and Expenses”; \$863,628 from Federal Emer-
8 gency Management Agency “Management and Adminis-
9 tration”; \$837,953 from “Office of Health Affairs”;
10 \$32,945,983 from “United States Citizenship and Immi-
11 gration Services”; \$927,823 from Federal Law Enforce-
12 ment Training Center “Salaries and Expenses”; \$346,637
13 from Science and Technology “Management and Adminis-
14 tration”; and \$42,257 from Domestic Nuclear Detection
15 Office “Management and Administration”.

16 SEC. 571. Of the unobligated balances available in
17 the Department of the Treasury Forfeiture Fund estab-
18 lished by section 9703 of title 31, United States Code, that
19 was added to such title by section 638 of Public Law 102-
20 393, \$22,600,000 are rescinded.

21 SEC. 572. From the unobligated balances for “Oper-
22 ations” of funds transferred to the Department of Home-
23 land Security when it was created in 2003, \$1,891,657
24 are rescinded.

1 SEC. 573. From the unobligated balances of prior
2 year appropriations made available for U.S. Customs and
3 Border Protection “Automation Modernization”,
4 \$10,000,000 are rescinded.

5 SEC. 574. From the unobligated balances of prior
6 year appropriations made available for U.S. Customs and
7 Border Protection “Border Security Fencing, Infrastruc-
8 ture, and Technology”, \$68,000,000 are rescinded.

9 SEC. 575. Of the unobligated balances available for
10 U.S. Customs and Border Protection “Construction” for
11 construction projects in prior year appropriations,
12 \$99,772,000 are rescinded: *Provided*, That amounts re-
13 scinded shall be limited to Border Patrol projects and fa-
14 cilities: *Provided further*, That no amounts may be re-
15 scinded from amounts that were designated by Congress
16 as an emergency requirement pursuant to a concurrent
17 resolution on the budget or the Balanced Budget and
18 Emergency Deficit Control Act of 1985.

19 SEC. 576. From the unobligated balances of funds
20 for the “Violent Crime Reduction Program” transferred
21 to the Department of Homeland Security when it was es-
22 tablished in 2003, \$4,912,245 are rescinded.

23 SEC. 577. From the unobligated balances of prior
24 year appropriations made available for U.S. Customs and
25 Border Protection, “Salaries and Expenses” transferred

1 to the Department of Homeland Security when it was es-
2 tablished in 2003, \$18,122,393 are rescinded.

3 SEC. 578. From the unobligated balances of prior
4 year appropriations made available for Transportation Se-
5 curity Administration, \$15,000,000 are rescinded: *Pro-*
6 *vided*, That the Transportation Security Administration
7 shall not rescind any unobligated balances from the fol-
8 lowing programs: explosives detection systems; checkpoint
9 support; aviation regulation and other enforcement; and
10 air cargo.

11 SEC. 579. From the unobligated balances of prior
12 year appropriations made available for National Protec-
13 tion and Programs Directorate “Infrastructure Protection
14 and Information Security” the following amounts are re-
15 scinded—

16 (1) \$6,000,000 from Next Generation Net-
17 works; and

18 (2) \$9,600,000 to be specified in a report to the
19 Committees on Appropriations of the Senate and the
20 House of Representatives which describes the
21 amounts rescinded and the original purpose of such
22 funds no later than 15 days after the date of enact-
23 ment of this Act.

24 SEC. 580. From the unobligated balances of prior
25 year appropriations made available for the Federal Emer-

1 gency Management Agency “National Pre-Disaster Miti-
2 gation Fund”, \$18,173,641 are rescinded.

3 SEC. 581. From the unobligated balances of funds
4 for the “Office for Domestic Preparedness” transferred to
5 the Department of Homeland Security when it was estab-
6 lished in 2003, \$10,568,964 are rescinded.

7 SEC. 582. From the unobligated balances of prior
8 year appropriations made available for United States Vis-
9 itor and Immigrant Status Indicator Technology,
10 \$28,000,000 are rescinded: *Provided*, That none of these
11 rescissions may be taken from the \$50,000,000 in unobli-
12 gated balances of prior-year appropriations made available
13 for a biometric air exit capability.

14 SEC. 583. From unobligated balances of prior year
15 appropriations made available for United States Citizen-
16 ship and Immigration Services for the program commonly
17 known as the “REAL ID hub”, \$18,500,000 are re-
18 scinded.

19 SEC. 584. From the unobligated balances of prior
20 year appropriations made available for Science and Tech-
21 nology “Research, Development, Acquisition, and Oper-
22 ations”, \$62,900,000 are rescinded: *Provided*, That this
23 rescission shall not apply to funds made available for Lab-
24 oratory Facilities in Public Law 111–83.

1 SEC. 585. From the unobligated balances of prior
2 year appropriations made available for Domestic Nuclear
3 Detection Office “Research, Development, and Oper-
4 ations”, \$27,000,000 are rescinded.

5 SEC. 586. From the unobligated balances made avail-
6 able for Coast Guard “Operating Expenses” in chapter
7 6 of title I of Public Law 111–212, \$5,000,000 are re-
8 scinded.

9 SEC. 587. From the unobligated balances made avail-
10 able for “United States Citizenship and Immigration Serv-
11 ices” in chapter 6 of title I of Public Law 111–212,
12 \$6,500,000 are rescinded.

13 SEC. 588. From the unobligated balances made avail-
14 able for Coast Guard “Acquisition, Construction, and Im-
15 provements” in chapter 5 of title I of division B of Public
16 Law 110–329, \$7,000,000 are rescinded.

17 SEC. 589. From the unobligated balances made avail-
18 able for Transportation Security Administration “Aviation
19 Security” in chapter 5 of title III of Public Law 110–28,
20 \$18,345,000 are rescinded.

21 SEC. 590. From the unobligated balances made avail-
22 able for “Office of the Secretary and Executive Manage-
23 ment” in chapter 4 of title II of division B of Public Law
24 109–148, \$196,653 are rescinded.

1 This division may be cited as the “Department of
2 Homeland Security Appropriations Act, 2011”.

3 **DIVISION G—DEPARTMENT OF THE INTE-**
4 **RIOR, ENVIRONMENT, AND RELATED**
5 **AGENCIES APPROPRIATIONS ACT, 2011**

6 TITLE I

7 DEPARTMENT OF THE INTERIOR

8 BUREAU OF LAND MANAGEMENT

9 MANAGEMENT OF LANDS AND RESOURCES

10 For necessary expenses for protection, use, improve-
11 ment, development, disposal, cadastral surveying, classi-
12 fication, acquisition of easements and other interests in
13 lands, and performance of other functions, including main-
14 tenance of facilities, as authorized by law, in the manage-
15 ment of lands and their resources under the jurisdiction
16 of the Bureau of Land Management, including the general
17 administration of the Bureau, and assessment of mineral
18 potential of public lands pursuant to Public Law 96–487
19 (16 U.S.C. 3150(a)), \$954,633,000, to remain available
20 until expended; of which \$4,000,000 shall be available in
21 fiscal year 2011 subject to a match by at least an equal
22 amount by the National Fish and Wildlife Foundation for
23 cost-shared projects supporting conservation of Bureau
24 lands; and such funds shall be advanced to the Foundation

1 as a lump sum grant without regard to when expenses are
2 incurred.

3 In addition, \$45,500,000 is for the processing of ap-
4 plications for permit to drill and related use authoriza-
5 tions, to remain available until expended, to be reduced
6 by amounts collected by the Bureau and credited to this
7 appropriation that shall be derived from \$6,500 per new
8 application for permit to drill that the Bureau shall collect
9 upon submission of each new application, and in addition,
10 \$20,000,000 is for conducting oil and gas inspection ac-
11 tivities, to remain available until expended, to be reduced
12 by amounts collected by the Bureau and credited to this
13 appropriation that shall be derived from fees that the Bu-
14 reau shall collect to offset inspection costs, as provided
15 for in this Act, and in addition, \$36,696,000 is for Mining
16 Law Administration program operations, including the
17 cost of administering the mining claim fee program; to re-
18 main available until expended, to be reduced by amounts
19 collected by the Bureau and credited to this appropriation
20 from mining claim maintenance fees and location fees that
21 are hereby authorized for fiscal year 2011 so as to result
22 in a final appropriation estimated at not more than
23 \$954,633,000, and \$2,000,000, to remain available until
24 expended, from communication site rental fees established

1 by the Bureau for the cost of administering communica-
2 tion site activities.

3 CONSTRUCTION

4 For construction of buildings, recreation facilities,
5 roads, trails, and appurtenant facilities, \$4,066,000, to re-
6 main available until expended.

7 LAND ACQUISITION

8 For expenses necessary to carry out sections 205,
9 206, and 318(d) of Public Law 94-579, including admin-
10 istrative expenses and acquisition of lands or waters, or
11 interests therein, \$36,550,000, to be derived from the
12 Land and Water Conservation Fund and to remain avail-
13 able until expended.

14 OREGON AND CALIFORNIA GRANT LANDS

15 For expenses necessary for management, protection,
16 and development of resources and for construction, oper-
17 ation, and maintenance of access roads, reforestation, and
18 other improvements on the revested Oregon and California
19 Railroad grant lands, on other Federal lands in the Or-
20 egon and California land-grant counties of Oregon, and
21 on adjacent rights-of-way; and acquisition of lands or in-
22 terests therein, including existing connecting roads on or
23 adjacent to such grant lands; \$111,759,000, to remain
24 available until expended: *Provided*, That 25 percent of the
25 aggregate of all receipts during the current fiscal year

1 from the revested Oregon and California Railroad grant
2 lands is hereby made a charge against the Oregon and
3 California land-grant fund and shall be transferred to the
4 General Fund in the Treasury in accordance with the sec-
5 ond paragraph of subsection (b) of title II of the Act of
6 August 28, 1937 (50 Stat. 876).

7 RANGE IMPROVEMENTS

8 For rehabilitation, protection, and acquisition of
9 lands and interests therein, and improvement of Federal
10 rangelands pursuant to section 401 of the Federal Land
11 Policy and Management Act of 1976 (43 U.S.C. 1701),
12 notwithstanding any other Act, sums equal to 50 percent
13 of all moneys received during the prior fiscal year under
14 sections 3 and 15 of the Taylor Grazing Act (43 U.S.C.
15 315 et seq.) and the amount designated for range improve-
16 ments from grazing fees and mineral leasing receipts from
17 Bankhead-Jones lands transferred to the Department of
18 the Interior pursuant to law, but not less than
19 \$10,000,000, to remain available until expended: *Pro-*
20 *vided*, That not to exceed \$600,000 shall be available for
21 administrative expenses.

22 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

23 For administrative expenses and other costs related
24 to processing application documents and other authoriza-
25 tions for use and disposal of public lands and resources,

1 for costs of providing copies of official public land docu-
2 ments, for monitoring construction, operation, and termi-
3 nation of facilities in conjunction with use authorizations,
4 and for rehabilitation of damaged property, such amounts
5 as may be collected under Public Law 94-579, as amend-
6 ed, and Public Law 93-153, to remain available until ex-
7 pended: *Provided*, That, notwithstanding any provision to
8 the contrary of section 305(a) of Public Law 94-579 (43
9 U.S.C. 1735(a)), any moneys that have been or will be
10 received pursuant to that section, whether as a result of
11 forfeiture, compromise, or settlement, if not appropriate
12 for refund pursuant to section 305(c) of that Act (43
13 U.S.C. 1735(c)), shall be available and may be expended
14 under the authority of this Act by the Secretary to im-
15 prove, protect, or rehabilitate any public lands adminis-
16 tered through the Bureau of Land Management which
17 have been damaged by the action of a resource developer,
18 purchaser, permittee, or any unauthorized person, without
19 regard to whether all moneys collected from each such ac-
20 tion are used on the exact lands damaged which led to
21 the action: *Provided further*, That any such moneys that
22 are in excess of amounts needed to repair damage to the
23 exact land for which funds were collected may be used to
24 repair other damaged public lands.

1 MISCELLANEOUS TRUST FUNDS

2 In addition to amounts authorized to be expended
3 under existing laws, there is hereby appropriated such
4 amounts as may be contributed under section 307 of the
5 Act of October 21, 1976 (43 U.S.C. 1701), and such
6 amounts as may be advanced for administrative costs, sur-
7 veys, appraisals, and costs of making conveyances of omit-
8 ted lands under section 211(b) of that Act, to remain
9 available until expended.

10 ADMINISTRATIVE PROVISIONS

11 The Bureau of Land Management may carry out the
12 operations funded under this Act by direct expenditure,
13 contracts, grants, cooperative agreements and reimburs-
14 able agreements with public and private entities, including
15 with States. For October 1, 2010 and hereafter, in car-
16 rying out work involving cooperation with any State or po-
17 litical subdivision thereof, the Bureau may record obliga-
18 tions against accounts receivable from any such entities.
19 Appropriations for the Bureau shall be available for pur-
20 chase, erection, and dismantlement of temporary struc-
21 tures, and alteration and maintenance of necessary build-
22 ings and appurtenant facilities to which the United States
23 has title; up to \$100,000 for payments, at the discretion
24 of the Secretary, for information or evidence concerning
25 violations of laws administered by the Bureau; miscella-

1 neous and emergency expenses of enforcement activities
2 authorized or approved by the Secretary and to be ac-
3 counted for solely on the Secretary's certificate, not to ex-
4 ceed \$10,000: *Provided*, That notwithstanding 44 U.S.C.
5 501, the Bureau may, under cooperative cost-sharing and
6 partnership arrangements authorized by law, procure
7 printing services from cooperators in connection with
8 jointly produced publications for which the cooperators
9 share the cost of printing either in cash or in services,
10 and the Bureau determines the cooperator is capable of
11 meeting accepted quality standards: *Provided further*,
12 That projects to be funded pursuant to a written commit-
13 ment by a State government to provide an identified
14 amount of money in support of the project may be carried
15 out by the Bureau on a reimbursable basis. Appropriations
16 herein made shall not be available for the destruction of
17 healthy, unadopted, wild horses and burros in the care of
18 the Bureau or its contractors or for the sale of wild horses
19 and burros that results in their destruction for processing
20 into commercial products: *Provided further*, That the Sec-
21 retary of the Interior may enter into multiyear cooperative
22 agreements with nonprofit organizations and other appro-
23 priate entities, and may enter into multiyear contracts in
24 accordance with the provisions of section 304B of the Fed-
25 eral Property and Administrative Services Act of 1949 (41

1 U.S.C. 254c) (except that the 5 year term restriction in
2 subsection (d) shall not apply), for the long-term care and
3 maintenance of excess wild horses and burros by such or-
4 ganizations or entities on private land. Such cooperative
5 agreements and contracts may not exceed 10 years, sub-
6 ject to renewal at the discretion of the Secretary.

7 UNITED STATES FISH AND WILDLIFE SERVICE

8 RESOURCE MANAGEMENT

9 For necessary expenses of the United States Fish and
10 Wildlife Service, as authorized by law, and for scientific
11 and economic studies, general administration, and for the
12 performance of other authorized functions related to such
13 resources, \$1,296,770,000, to remain available until Sep-
14 tember 30, 2012 except as otherwise provided herein: *Pro-*
15 *vided*, That not to exceed \$21,945,000 shall be used for
16 implementing subsections (a), (b), (c), and (e) of section
17 4 of the Endangered Species Act, as amended, (except for
18 processing petitions, developing and issuing proposed and
19 final regulations, and taking any other steps to implement
20 actions described in subsection (c)(2)(A), (c)(2)(B)(i), or
21 (c)(2)(B)(ii)), of which not to exceed \$10,548,000 shall
22 be used for any activity regarding the designation of crit-
23 ical habitat, pursuant to subsection (a)(3), excluding liti-
24 gation support, for species listed pursuant to subsection
25 (a)(1) prior to October 1, 2010; of which not to exceed

1 \$1,500,000 shall be used for implementing subsections
2 (a), (b), (c), and (e) of section 4 of the Endangered Spe-
3 cies Act, as amended, for species that are not indigenous
4 to the United States: *Provided further*, That, in fiscal year
5 2011 and hereafter of the amount available for law en-
6 forcement, up to \$400,000, to remain available until ex-
7 pended, may at the discretion of the Secretary be used
8 for payment for information, rewards, or evidence con-
9 cerning violations of laws administered by the Service, and
10 miscellaneous and emergency expenses of enforcement ac-
11 tivity, authorized or approved by the Secretary and to be
12 accounted for solely on the Secretary's certificate.

13 CONSTRUCTION

14 For construction, improvement, acquisition, or re-
15 moval of buildings and other facilities required in the con-
16 servation, management, investigation, protection, and uti-
17 lization of fishery and wildlife resources, and the acquisi-
18 tion of lands and interests therein; \$35,676,000, to remain
19 available until expended.

20 LAND ACQUISITION

21 For expenses necessary to carry out the Land and
22 Water Conservation Fund Act of 1965, as amended (16
23 U.S.C. 4601-4 through 11), including administrative ex-
24 penses, and for acquisition of land or waters, or interest
25 therein, in accordance with statutory authority applicable

1 to the United States Fish and Wildlife Service,
2 \$101,925,000, to be derived from the Land and Water
3 Conservation Fund and to remain available until ex-
4 pended, of which, notwithstanding 16 U.S.C. 4601–9, not
5 more than \$5,000,000 shall be for land conservation part-
6 nerships authorized by the Highlands Conservation Act of
7 2004, including not to exceed \$160,000 for administrative
8 expenses: *Provided*, That none of the funds appropriated
9 for specific land acquisition projects may be used to pay
10 for any administrative overhead, planning or other man-
11 agement costs.

12 COOPERATIVE ENDANGERED SPECIES CONSERVATION

13 FUND

14 For expenses necessary to carry out section 6 of the
15 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.),
16 as amended, \$85,000,000, to remain available until ex-
17 pended, of which \$35,000,000 is to be derived from the
18 Cooperative Endangered Species Conservation Fund, of
19 which \$4,987,000 shall be for the Idaho Salmon and
20 Clearwater River Basins Habitat Account pursuant to the
21 Snake River Water Rights Act of 2004; and of which
22 \$50,000,000 is to be derived from the Land and Water
23 Conservation Fund.

1 NATIONAL WILDLIFE REFUGE FUND

2 For expenses necessary to implement the Act of Octo-
3 ber 17, 1978 (16 U.S.C. 715s), \$14,500,000.

4 NORTH AMERICAN WETLANDS CONSERVATION FUND

5 For expenses necessary to carry out the provisions
6 of the North American Wetlands Conservation Act, as
7 amended (16 U.S.C. 4401–4414), \$45,000,000, to remain
8 available until expended.

9 NEOTROPICAL MIGRATORY BIRD CONSERVATION

10 For expenses necessary to carry out the Neotropical
11 Migratory Bird Conservation Act, as amended, (16 U.S.C.
12 6101 et seq.), \$5,000,000, to remain available until ex-
13 pended.

14 MULTINATIONAL SPECIES CONSERVATION FUND

15 For expenses necessary to carry out the African Ele-
16 phant Conservation Act (16 U.S.C. 4201–4203, 4211–
17 4214, 4221–4225, 4241–4246, and 1538), the Asian Ele-
18 phant Conservation Act of 1997 (16 U.S.C. 4261–4266),
19 the Rhinoceros and Tiger Conservation Act of 1994 (16
20 U.S.C. 5301–5306), the Great Ape Conservation Act of
21 2000 (16 U.S.C. 6301–6305), and the Marine Turtle Con-
22 servation Act of 2004 (16 U.S.C. 6601–6606),
23 \$12,000,000, to remain available until expended.

1 STATE AND TRIBAL WILDLIFE GRANTS

2 For wildlife conservation grants to States and to the
3 District of Columbia, Puerto Rico, Guam, the United
4 States Virgin Islands, the Northern Mariana Islands,
5 American Samoa, and Indian tribes under the provisions
6 of the Fish and Wildlife Act of 1956 and the Fish and
7 Wildlife Coordination Act, for the development and imple-
8 mentation of programs for the benefit of wildlife and their
9 habitat, including species that are not hunted or fished,
10 \$90,000,000, to remain available until expended: *Pro-*
11 *vided*, That of the amount provided herein, \$7,000,000 is
12 for a competitive grant program for Indian tribes not sub-
13 ject to the remaining provisions of this appropriation: *Pro-*
14 *vided further*, That \$5,000,000 is for a competitive grant
15 program for States, territories, and other jurisdictions
16 with approved plans, not subject to the remaining provi-
17 sions of this appropriation: *Provided further*, That the Sec-
18 retary shall, after deducting \$12,000,000 and administra-
19 tive expenses, apportion the amount provided herein in the
20 following manner: (1) to the District of Columbia and to
21 the Commonwealth of Puerto Rico, each a sum equal to
22 not more than one-half of 1 percent thereof; and (2) to
23 Guam, American Samoa, the United States Virgin Is-
24 lands, and the Commonwealth of the Northern Mariana
25 Islands, each a sum equal to not more than one-fourth

1 of 1 percent thereof: *Provided further*, That the Secretary
2 shall apportion the remaining amount in the following
3 manner: (1) one-third of which is based on the ratio to
4 which the land area of such State bears to the total land
5 area of all such States; and (2) two-thirds of which is
6 based on the ratio to which the population of such State
7 bears to the total population of all such States: *Provided*
8 *further*, That the amounts apportioned under this para-
9 graph shall be adjusted equitably so that no State shall
10 be apportioned a sum which is less than 1 percent of the
11 amount available for apportionment under this paragraph
12 for any fiscal year or more than 5 percent of such amount:
13 *Provided further*, That the Federal share of planning
14 grants shall not exceed 75 percent of the total costs of
15 such projects and the Federal share of implementation
16 grants shall not exceed 50 percent of the total costs of
17 such projects: *Provided further*, That the non-Federal
18 share of such projects may not be derived from Federal
19 grant programs: *Provided further*, That any amount ap-
20 portioned in 2011 to any State, territory, or other jurisdic-
21 tion that remains unobligated as of September 30, 2012,
22 shall be reapportioned, together with funds appropriated
23 in 2013, in the manner provided herein.

1 ADMINISTRATIVE PROVISIONS

2 The Fish and Wildlife Service may carry out the op-
3 erations of Service programs by direct expenditure, con-
4 tracts, grants, cooperative agreements and reimbursable
5 agreements with public and private entities. Appropria-
6 tions and funds available to the United States Fish and
7 Wildlife Service shall be available for repair of damage to
8 public roads within and adjacent to reservation areas
9 caused by operations of the Service; options for the pur-
10 chase of land at not to exceed \$1 for each option; facilities
11 incident to such public recreational uses on conservation
12 areas as are consistent with their primary purpose; and
13 the maintenance and improvement of aquaria, buildings,
14 and other facilities under the jurisdiction of the Service
15 and to which the United States has title, and which are
16 used pursuant to law in connection with management, and
17 investigation of fish and wildlife resources: *Provided*, That
18 notwithstanding 44 U.S.C. 501, the Service may, under
19 cooperative cost sharing and partnership arrangements
20 authorized by law, procure printing services from coopera-
21 tors in connection with jointly produced publications for
22 which the cooperators share at least one-half the cost of
23 printing either in cash or services and the Service deter-
24 mines the cooperator is capable of meeting accepted qual-

1 ity standards: *Provided further*, That the Service may ac-
2 cept donated aircraft as replacements for existing aircraft.

3 NATIONAL PARK SERVICE

4 OPERATION OF THE NATIONAL PARK SYSTEM

5 For expenses necessary for the management, oper-
6 ation, and maintenance of areas and facilities adminis-
7 tered by the National Park Service (including expenses to
8 carry out programs of the United States Park Police), and
9 for the general administration of the National Park Serv-
10 ice, \$2,298,577,000, of which \$9,943,000 for planning
11 and interagency coordination in support of Everglades res-
12 toration and \$98,092,000 for maintenance, repair or reha-
13 bilitation projects for constructed assets, operation of the
14 National Park Service automated facility management
15 software system, and comprehensive facility condition as-
16 sessments shall remain available until September 30,
17 2012.

18 NATIONAL RECREATION AND PRESERVATION

19 For expenses necessary to carry out recreation pro-
20 grams, natural programs, cultural programs, heritage
21 partnership programs, environmental compliance and re-
22 view, international park affairs, statutory or contractual
23 aid for other activities, and grant administration, not oth-
24 erwise provided for, \$67,958,000, of which \$3,000,000
25 under section 7301(b) of the Omnibus Public Land Man-

1 agement Act of 2009 (Public Law 111–11) shall be avail-
2 able for competitive grants for programs and projects re-
3 lated to the sesquicentennial of the American Civil War.

4 HISTORIC PRESERVATION FUND

5 For expenses necessary in carrying out the Historic
6 Preservation Act of 1966, as amended (16 U.S.C. 470),
7 and the Omnibus Parks and Public Lands Management
8 Act of 1996 (Public Law 104–333), \$78,000,000, to be
9 derived from the Historic Preservation Fund and to re-
10 main available until September 30, 2012; of which
11 \$20,000,000 shall be for Save America’s Treasures grants
12 as authorized by section 7303 of the Omnibus Public Land
13 Management Act of 2009 (Public Law 111–11).

14 CONSTRUCTION

15 For construction, improvements, repair or replace-
16 ment of physical facilities, including modifications author-
17 ized by section 104 of the Everglades National Park Pro-
18 tection and Expansion Act of 1989, \$197,105,000, to re-
19 main available until expended: *Provided*, That for fiscal
20 year 2011, funds provided in this account shall be avail-
21 able, not to exceed \$4,000,000, for further payments con-
22 sistent with an agreement signed by the Secretary of the
23 Interior that supersedes the agreement of July 30, 1943
24 (relating to the construction of the North Shore Road
25 from the eastern boundary of Great Smoky Mountains Na-

1 tional Park), and such payments shall be considered con-
2 struction, improvements, repair or replacement of physical
3 facilities for purposes of this account: *Provided further,*
4 That notwithstanding any other provision of law, a single
5 procurement for phase 1 of the National Mall improve-
6 ment project number 151515, may be issued that includes
7 the full scope of this phase of the project, so long as the
8 solicitation and contract shall contain the clause “avail-
9 ability of appropriated funds” found in CFR section
10 52.232.18 of title 48: *Provided further,* That the National
11 Park Service may acquire through donation, land near
12 Great Smoky Mountains National Park and adjacent to
13 the Great Smoky Mountains Heritage Museum, in Town-
14 send, Tennessee for the purpose of constructing a curato-
15 rial storage facility for the park.

16 LAND AND WATER CONSERVATION FUND

17 (RESCISSION)

18 The contract authority provided for fiscal year 2011
19 by 16 U.S.C. 4601–10a is rescinded.

20 LAND ACQUISITION AND STATE ASSISTANCE

21 For expenses necessary to carry out the Land and
22 Water Conservation Act of 1965, as amended (16 U.S.C.
23 4601–4 through 11), including administrative expenses,
24 and for acquisition of lands or waters, or interest therein,
25 in accordance with the statutory authority applicable to

1 the National Park Service, \$143,423,000, to be derived
2 from the Land and Water Conservation Fund and to re-
3 main available until expended, of which \$50,000,000 is for
4 the State assistance program and of which \$6,000,000
5 shall be for the American Battlefield Protection Program
6 grants as authorized by section 7301 of the Omnibus Pub-
7 lic Land Management Act of 2009 (Public Law 111–11):
8 *Provided*, That notwithstanding sections 6(b)(3) and 6(c)
9 of the Land and Water Conservation Fund Act of 1965,
10 as amended, payments to any State through a competitive
11 demonstration grants program shall not be counted to-
12 wards an individual State’s total allocation subject to the
13 10 per centum annual limitation and shall not cover more
14 than 70 per centum of the total cost of the demonstration
15 grant project.

16 ADMINISTRATIVE PROVISIONS

17 (INCLUDING TRANSFER OF FUNDS)

18 In addition to other uses set forth in section 407(d)
19 of Public Law 105–391, franchise fees credited to a sub-
20 account shall be available for expenditure by the Sec-
21 retary, without further appropriation, for use at any unit
22 within the National Park System to extinguish or reduce
23 liability for Possessory Interest or leasehold surrender in-
24 terest. Such funds may only be used for this purpose to
25 the extent that the benefitting unit anticipated franchise

1 fee receipts over the term of the contract at that unit ex-
2 ceed the amount of funds used to extinguish or reduce
3 liability. Franchise fees at the benefitting unit shall be
4 credited to the sub-account of the originating unit over
5 a period not to exceed the term of a single contract at
6 the benefitting unit, in the amount of funds so expended
7 to extinguish or reduce liability.

8 For the costs of administration of the Land and
9 Water Conservation Fund grants authorized by section
10 105(a)(2)(B) of the Gulf of Mexico Energy Security Act
11 of 2006 (Public Law 109–432), the National Park Service
12 may retain up to 3 percent of the amounts which are au-
13 thorized to be disbursed under such section, such retained
14 amounts to remain available until expended.

15 National Park Service funds may be transferred to
16 the Federal Highway Administration (FHWA), Depart-
17 ment of Transportation, for purposes authorized under 23
18 U.S.C. 204. Transfers may include a reasonable amount
19 for FHWA administrative support costs.

20 UNITED STATES GEOLOGICAL SURVEY

21 SURVEYS, INVESTIGATIONS, AND RESEARCH

22 For expenses necessary for the United States Geo-
23 logical Survey to perform surveys, investigations, and re-
24 search covering topography, geology, hydrology, biology,
25 and the mineral and water resources of the United States,

1 its territories and possessions, and other areas as author-
2 ized by 43 U.S.C. 31, 1332, and 1340; classify lands as
3 to their mineral and water resources; give engineering su-
4 pervision to power permittees and Federal Energy Regu-
5 latory Commission licensees; administer the minerals ex-
6 ploration program (30 U.S.C. 641); conduct inquiries into
7 the economic conditions affecting mining and materials
8 processing industries (30 U.S.C. 3, 21a, and 1603; 50
9 U.S.C. 98g(1)) and related purposes as authorized by law;
10 and to publish and disseminate data relative to the fore-
11 going activities; \$1,154,179,000, to remain available until
12 September 30, 2012, of which \$65,598,000 shall be avail-
13 able only for cooperation with States or municipalities for
14 water resources investigations; of which \$53,500,000 shall
15 remain available until expended for satellite operations; of
16 which \$4,807,000 shall be available until expended for de-
17 ferred maintenance and capital improvement projects that
18 exceed \$100,000 in cost; and of which \$2,000,000 shall
19 be available to fund the operating expenses for the Civil
20 Applications Committee: *Provided*, That none of the funds
21 provided for the biological research activity shall be used
22 to conduct new surveys on private property, unless specifi-
23 cally authorized in writing by the property owner: *Pro-*
24 *vided further*, That no part of this appropriation shall be
25 used to pay more than one-half the cost of topographic

1 mapping or water resources data collection and investiga-
2 tions carried on in cooperation with States and municipali-
3 ties.

4 ADMINISTRATIVE PROVISIONS

5 From within the amount appropriated for activities
6 of the United States Geological Survey such sums as are
7 necessary shall be available for reimbursement to the Gen-
8 eral Services Administration for security guard services;
9 contracting for the furnishing of topographic maps and
10 for the making of geophysical or other specialized surveys
11 when it is administratively determined that such proce-
12 dures are in the public interest; construction and mainte-
13 nance of necessary buildings and appurtenant facilities;
14 acquisition of lands for gauging stations and observation
15 wells; expenses of the United States National Committee
16 on Geology; and payment of compensation and expenses
17 of persons on the rolls of the Survey duly appointed to
18 represent the United States in the negotiation and admin-
19 istration of interstate compacts: *Provided*, That activities
20 funded by appropriations herein made may be accom-
21 plished through the use of contracts, grants, or coopera-
22 tive agreements as defined in 31 U.S.C. 6302 et seq.: *Pro-*
23 *vided further*, That the United States Geological Survey
24 may enter into contracts or cooperative agreements di-
25 rectly with individuals or indirectly with institutions or

1 nonprofit organizations, without regard to 41 U.S.C. 5,
2 for the temporary or intermittent services of students or
3 recent graduates, who shall be considered employees for
4 the purpose of chapters 57 and 81 of title 5, United States
5 Code, relating to compensation for travel and work inju-
6 ries, and chapter 171 of title 28, United States Code, re-
7 lating to tort claims, but shall not be considered to be Fed-
8 eral employees for any other purposes.

9 BUREAU OF OCEAN ENERGY MANAGEMENT,
10 REGULATION, AND ENFORCEMENT
11 (FORMERLY THE MINERALS MANAGEMENT SERVICE)
12 ROYALTY AND OFFSHORE MINERALS MANAGEMENT
13 (INCLUDING TRANSFER OF FUNDS)

14 For expenses necessary for minerals leasing and envi-
15 ronmental studies, regulation of industry operations, and
16 collection of royalties, as authorized by law; for enforcing
17 laws and regulations applicable to oil, gas, and other min-
18 erals leases, permits, licenses and operating contracts; for
19 energy-related or other authorized marine-related pur-
20 poses on the Outer Continental Shelf; and for matching
21 grants or cooperative agreements, \$221,113,000, to re-
22 main available until September 30, 2012, of which
23 \$113,174,000 shall be available for royalty management
24 activities; and an amount not to exceed \$154,890,000, to
25 be credited to this appropriation and to remain available

1 until expended, from additions to receipts resulting from
2 increases to rates in effect on August 5, 1993, and from
3 cost recovery fees: *Provided*, That notwithstanding 31
4 U.S.C. 3302, in fiscal year 2011, such amounts as are
5 assessed under 31 U.S.C. 9701 shall be collected and cred-
6 ited to this account and shall be available until expended
7 for necessary expenses: *Provided further*, That to the ex-
8 tent \$154,890,000 in addition to receipts are not realized
9 from the sources of receipts stated above, the amount
10 needed to reach \$154,890,000 shall be credited to this ap-
11 propriation from receipts resulting from rental rates for
12 Outer Continental Shelf leases in effect before August 5,
13 1993: *Provided further*, That for fiscal year 2011 and each
14 fiscal year thereafter, the term “qualified Outer Conti-
15 nental Shelf revenues”, as defined in section 102(9)(A)
16 of the Gulf of Mexico Energy Security Act, division C of
17 Public Law 109–432, shall include only the portion of
18 rental revenues that would have been collected at the rent-
19 al rates in effect before August 5, 1993: *Provided further*,
20 That not to exceed \$3,000 shall be available for reasonable
21 expenses related to promoting volunteer beach and marine
22 cleanup activities: *Provided further*, That notwithstanding
23 any other provision of law, \$15,000 under this heading
24 shall be available for refunds of overpayments in connec-
25 tion with certain Indian leases in which the Director of

1 the Bureau of Ocean Energy Management, Regulation,
2 and Enforcement concurred with the claimed refund due,
3 to pay amounts owed to Indian allottees or tribes, or to
4 correct prior unrecoverable erroneous payments.

5 For an additional amount, \$60,000,000, to remain
6 available until expended, which shall be derived from non-
7 refundable inspection fees collected in fiscal year 2011, as
8 provided in this Act: *Provided*, That to the extent that
9 such amounts are not realized from such fees, the amount
10 needed to reach \$60,000,000 shall be credited to this ap-
11 propriation from receipts resulting from rental rates for
12 Outer Continental Shelf leases in effect before August 5,
13 1993: *Provided further*, That to implement a reorganiza-
14 tion of the Bureau of Ocean Energy Management, Regula-
15 tion, and Enforcement the Secretary may establish ac-
16 counts, transfer funds among and between the offices and
17 bureaus affected by the reorganization, and take any other
18 administrative actions necessary in conformance with the
19 Appropriations Committees' reprogramming guidance (as
20 described in House Report 111-316, the explanatory
21 statement accompanying Public Law 111-88).

22 OIL SPILL RESEARCH

23 (INCLUDING TRANSFER OF FUNDS)

24 For necessary expenses to carry out title I, section
25 1016, title IV, sections 4202 and 4303, title VII, and title

1 VIII, section 8201 of the Oil Pollution Act of 1990,
2 \$11,768,000, which shall be derived from the Oil Spill Li-
3 ability Trust Fund, to remain available until expended:
4 *Provided*, That to implement a reorganization of the Bu-
5 reau of Ocean Energy Management, Regulation, and En-
6 forcement the Secretary may establish accounts, transfer
7 funds among and between the offices and bureaus affected
8 by the reorganization, and take any other administrative
9 actions necessary in conformance with the Appropriations
10 Committees' reprogramming guidance (as described in
11 House Report 111-316, the explanatory statement accom-
12 panying Public Law 111-88).

13 ADMINISTRATIVE PROVISION

14 Notwithstanding the provisions of section 35(b) of
15 the Mineral Leasing Act, as amended (30 U.S.C. 191(b)),
16 the Secretary shall deduct 2 percent from the amount pay-
17 able to each State in fiscal year 2011 and deposit the
18 amount deducted to miscellaneous receipts of the Treas-
19 ury.

20 OFFICE OF SURFACE MINING RECLAMATION AND

21 ENFORCEMENT

22 REGULATION AND TECHNOLOGY

23 For necessary expenses to carry out the provisions
24 of the Surface Mining Control and Reclamation Act of
25 1977, Public Law 95-87, as amended, \$127,185,000, to

1 remain available until September 30, 2012: *Provided*,
2 That appropriations for the Office of Surface Mining Rec-
3 lamation and Enforcement may provide for the travel and
4 per diem expenses of State and tribal personnel attending
5 Office of Surface Mining Reclamation and Enforcement
6 sponsored training.

7 ABANDONED MINE RECLAMATION FUND

8 For necessary expenses to carry out title IV of the
9 Surface Mining Control and Reclamation Act of 1977,
10 Public Law 95–87, as amended, \$34,909,000, to be de-
11 rived from receipts of the Abandoned Mine Reclamation
12 Fund and to remain available until expended: *Provided*,
13 That pursuant to Public Law 97–365, the Department of
14 the Interior is authorized to use up to 20 percent from
15 the recovery of the delinquent debt owed to the United
16 States Government to pay for contracts to collect these
17 debts: *Provided further*, That funds made available under
18 title IV of Public Law 95–87 may be used for any required
19 non-Federal share of the cost of projects funded by the
20 Federal Government for the purpose of environmental res-
21 toration related to treatment or abatement of acid mine
22 drainage from abandoned mines: *Provided further*, That
23 such projects must be consistent with the purposes and
24 priorities of the Surface Mining Control and Reclamation
25 Act: *Provided further*, That amounts provided under this

1 heading may be used for the travel and per diem expenses
2 of State and tribal personnel attending Office of Surface
3 Mining Reclamation and Enforcement sponsored training.

4 ADMINISTRATIVE PROVISION

5 With funds available for the Technical Innovation
6 and Professional Services program in this Act, the Sec-
7 retary may transfer title for computer hardware, software
8 and other technical equipment to State and tribal regu-
9 latory and reclamation programs.

10 BUREAU OF INDIAN AFFAIRS AND BUREAU OF INDIAN

11 EDUCATION

12 OPERATION OF INDIAN PROGRAMS

13 (INCLUDING TRANSFER OF FUNDS)

14 For expenses necessary for the operation of Indian
15 programs, as authorized by law, including the Snyder Act
16 of November 2, 1921 (25 U.S.C. 13), the Indian Self-De-
17 termination and Education Assistance Act of 1975 (25
18 U.S.C. 450 et seq.), as amended, the Education Amend-
19 ments of 1978 (25 U.S.C. 2001–2019), and the Tribally
20 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.),
21 as amended, \$2,404,029,000, to remain available until
22 September 30, 2012 except as otherwise provided herein;
23 of which not to exceed \$8,500 may be for official reception
24 and representation expenses; of which not to exceed
25 \$74,911,000 shall be for welfare assistance payments:

1 *Provided*, That in cases of designated Federal disasters,
2 the Secretary may exceed such cap, from the amounts pro-
3 vided herein, to provide for disaster relief to Indian com-
4 munities affected by the disaster; and of which, notwith-
5 standing any other provision of law, including but not lim-
6 ited to the Indian Self-Determination Act of 1975, as
7 amended, not to exceed \$187,526,000 shall be available
8 for payments for contract support costs associated with
9 ongoing contracts, grants, compacts, or annual funding
10 agreements entered into with the Bureau prior to or dur-
11 ing fiscal year 2011, as authorized by such Act, except
12 that tribes, and tribal organizations, may use their tribal
13 priority allocations for unmet contract support costs of on-
14 going contracts, grants, or compacts, or annual funding
15 agreements and for unmet welfare assistance costs; of
16 which not to exceed \$590,111,000 for school operations
17 costs of Bureau-funded schools and other education pro-
18 grams shall become available on July 1, 2011, and shall
19 remain available until September 30, 2012; *Provided fur-*
20 *ther*, That notwithstanding any prohibitions in this Act,
21 the Bureau shall fund the school operations costs of Jones
22 Academy for the 2011–2012 school year in Hartshorne,
23 Oklahoma for grades 1–6 as if Jones Academy were in
24 the Bureau school system as of October 1, 1995 and in
25 determining the academic ISEP formula pursuant to 25

1 CFR Part 39 for the 2011–2012 school year, Jones Acad-
2 emy shall be funded for academic ISEP based on its aver-
3 age student enrollment for the 2008–2009, 2009–2010,
4 and 2010–2011 school years, and thereafter based on its
5 three-year average enrollment determined pursuant to 25
6 CFR Part 39; and of which not to exceed \$59,630,000
7 shall remain available until expended for housing improve-
8 ment, road maintenance, attorney fees, litigation support,
9 the Indian Self-Determination Fund, land records im-
10 provement, and the Navajo-Hopi Settlement Program:
11 *Provided further*, That notwithstanding any other provi-
12 sion of law, including but not limited to the Indian Self-
13 Determination Act of 1975, as amended, and 25 U.S.C.
14 2008, not to exceed \$46,373,000 within and only from
15 such amounts made available for school operations shall
16 be available for administrative cost grants associated with
17 ongoing grants entered into with the Bureau prior to or
18 during fiscal year 2010 for the operation of Bureau-fund-
19 ed schools, and up to \$500,000 within and only from such
20 amounts made available for administrative cost grants
21 shall be available for the transitional costs of initial ad-
22 ministrative cost grants to grantees that assume operation
23 on or after July 1, 2010, of Bureau-funded schools: *Pro-*
24 *vided further*, That any forestry funds allocated to a tribe
25 which remain unobligated as of September 30, 2012, may

1 be transferred during fiscal year 2013 to an Indian forest
2 land assistance account established for the benefit of the
3 holder of the funds within the holder's trust fund account:
4 *Provided further*, That any such unobligated balances not
5 so transferred shall expire on September 30, 2013: *Pro-*
6 *vided further*, That in order to enhance the safety of Bu-
7 reau field employees, the Bureau may use funds to pur-
8 chase uniforms or other identifying articles of clothing for
9 personnel.

10 CONSTRUCTION

11 (INCLUDING TRANSFER OF FUNDS)

12 For construction, repair, improvement, and mainte-
13 nance of irrigation and power systems, buildings, utilities,
14 and other facilities, including architectural and engineer-
15 ing services by contract; acquisition of lands, and interests
16 in lands; and preparation of lands for farming, and for
17 construction of the Navajo Indian Irrigation Project pur-
18 suant to Public Law 87-483, \$125,723,000, to remain
19 available until expended: *Provided*, That such amounts as
20 may be available for the construction of the Navajo Indian
21 Irrigation Project may be transferred to the Bureau of
22 Reclamation: *Provided further*, That not to exceed 6 per-
23 cent of contract authority available to the Bureau of In-
24 dian Affairs from the Federal Highway Trust Fund may
25 be used to cover the road program management costs of

1 the Bureau: *Provided further*, That any funds provided for
2 the Safety of Dams program pursuant to 25 U.S.C. 13
3 shall be made available on a nonreimbursable basis: *Pro-*
4 *vided further*, That for fiscal year 2011, in implementing
5 new construction or facilities improvement and repair
6 project grants in excess of \$100,000 that are provided to
7 grant schools under Public Law 100–297, as amended, the
8 Secretary of the Interior shall use the Administrative and
9 Audit Requirements and Cost Principles for Assistance
10 Programs contained in 43 CFR part 12 as the regulatory
11 requirements: *Provided further*, That such grants shall not
12 be subject to section 12.61 of 43 CFR; the Secretary and
13 the grantee shall negotiate and determine a schedule of
14 payments for the work to be performed: *Provided further*,
15 That in considering grant applications, the Secretary shall
16 consider whether such grantee would be deficient in assur-
17 ing that the construction projects conform to applicable
18 building standards and codes and Federal, tribal, or State
19 health and safety standards as required by 25 U.S.C.
20 2005(b), with respect to organizational and financial man-
21 agement capabilities: *Provided further*, That if the Sec-
22 retary declines a grant application, the Secretary shall fol-
23 low the requirements contained in 25 U.S.C. 2504(f): *Pro-*
24 *vided further*, That any disputes between the Secretary
25 and any grantee concerning a grant shall be subject to

1 the disputes provision in 25 U.S.C. 2507(e): *Provided fur-*
 2 *ther*, That in order to ensure timely completion of con-
 3 struction projects, the Secretary may assume control of
 4 a project and all funds related to the project, if, within
 5 18 months of the date of enactment of this Act, any grant-
 6 ee receiving funds appropriated in this Act or in any prior
 7 Act, has not completed the planning and design phase of
 8 the project and commenced construction: *Provided further*,
 9 That this appropriation may be reimbursed from the Of-
 10 fice of the Special Trustee for American Indians appro-
 11 priation for the appropriate share of construction costs for
 12 space expansion needed in agency offices to meet trust re-
 13 form implementation.

14 INDIAN LAND AND WATER CLAIM SETTLEMENTS AND
 15 MISCELLANEOUS PAYMENTS TO INDIANS

16 For payments and necessary administrative expenses
 17 for implementation of Indian land and water claim settle-
 18 ments pursuant to Public Laws 99-264, 100-580, 101-
 19 618, 108-447, 109-479, 110-297, and 111-11, and for
 20 implementation of other land and water rights settle-
 21 ments, \$46,480,000, to remain available until expended.

22 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

23 For the cost of guaranteed loans and insured loans,
 24 \$8,158,000, of which \$1,572,000 is for administrative ex-
 25 penses, as authorized by the Indian Financing Act of

1 1974, as amended: *Provided*, That such costs, including
2 the cost of modifying such loans, shall be as defined in
3 section 502 of the Congressional Budget Act of 1974: *Pro-*
4 *vided further*, That these funds are available to subsidize
5 total loan principal, any part of which is to be guaranteed
6 or insured, not to exceed \$83,740,196.

7 INDIAN LAND CONSOLIDATION

8 For consolidation of fractional interests in Indian
9 lands and expenses associated with redetermining and re-
10 distributing escheated interests in allotted lands, and for
11 necessary expenses to carry out the Indian Land Consoli-
12 dation Act of 1983, as amended, by direct expenditure or
13 cooperative agreement, \$1,000,000, to remain available
14 until expended.

15 ADMINISTRATIVE PROVISIONS

16 The Bureau of Indian Affairs may carry out the oper-
17 ation of Indian programs by direct expenditure, contracts,
18 cooperative agreements, compacts and grants, either di-
19 rectly or in cooperation with States and other organiza-
20 tions.

21 Notwithstanding 25 U.S.C. 15, the Bureau of Indian
22 Affairs may contract for services in support of the man-
23 agement, operation, and maintenance of the Power Divi-
24 sion of the San Carlos Irrigation Project.

1 Appropriations for the Bureau of Indian Affairs (ex-
2 cept the Revolving Fund for Loans Liquidating Account,
3 Indian Loan Guaranty and Insurance Fund Liquidating
4 Account, Indian Guaranteed Loan Financing Account, In-
5 dian Direct Loan Financing Account, and the Indian
6 Guaranteed Loan Program account) shall be available for
7 expenses of exhibits.

8 Notwithstanding any other provision of law, no funds
9 available to the Bureau of Indian Affairs for central office
10 oversight and Executive Direction and Administrative
11 Services (except executive direction and administrative
12 services funding for Tribal Priority Allocations, regional
13 offices, and facilities operations and maintenance) shall be
14 available for contracts, grants, compacts, or cooperative
15 agreements with the Bureau of Indian Affairs under the
16 provisions of the Indian Self-Determination Act or the
17 Tribal Self-Governance Act of 1994 (Public Law 103–
18 413).

19 In the event any tribe returns appropriations made
20 available by this Act to the Bureau of Indian Affairs, this
21 action shall not diminish the Federal Government's trust
22 responsibility to that tribe, or the government-to-govern-
23 ment relationship between the United States and that
24 tribe, or that tribe's ability to access future appropria-
25 tions.

1 Notwithstanding any other provision of law, no funds
2 available to the Bureau, other than the amounts provided
3 herein for assistance to public schools under 25 U.S.C.
4 452 et seq., shall be available to support the operation of
5 any elementary or secondary school in the State of Alaska.

6 Appropriations made available in this or any other
7 Act for schools funded by the Bureau shall be available
8 only to the schools in the Bureau school system as of Sep-
9 tember 1, 1996. No funds available to the Bureau shall
10 be used to support expanded grades for any school or dor-
11 mitory beyond the grade structure in place or approved
12 by the Secretary of the Interior at each school in the Bu-
13 reau school system as of October 1, 1995. Funds made
14 available under this Act may not be used to establish a
15 charter school at a Bureau-funded school (as that term
16 is defined in section 1146 of the Education Amendments
17 of 1978 (25 U.S.C. 2026)), except that a charter school
18 that is in existence on the date of the enactment of this
19 Act and that has operated at a Bureau-funded school be-
20 fore September 1, 1999, may continue to operate during
21 that period, but only if the charter school pays to the Bu-
22 reau a pro rata share of funds to reimburse the Bureau
23 for the use of the real and personal property (including
24 buses and vans), the funds of the charter school are kept
25 separate and apart from Bureau funds, and the Bureau

1 does not assume any obligation for charter school pro-
2 grams of the State in which the school is located if the
3 charter school loses such funding. Employees of Bureau-
4 funded schools sharing a campus with a charter school and
5 performing functions related to the charter schools oper-
6 ation and employees of a charter school shall not be treat-
7 ed as Federal employees for purposes of chapter 171 of
8 title 28, United States Code.

9 Notwithstanding any other provision of law, including
10 section 113 of title I of appendix C of Public Law 106-
11 113, if in fiscal year 2003 or 2004 a grantee received indi-
12 rect and administrative costs pursuant to a distribution
13 formula based on section 5(f) of Public Law 101-301, the
14 Secretary shall continue to distribute indirect and admin-
15 istrative cost funds to such grantee using the section 5(f)
16 distribution formula.

17 DEPARTMENTAL OFFICES

18 OFFICE OF THE SECRETARY

19 SALARIES AND EXPENSES

20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses for management of the De-
22 partment of the Interior, \$121,987,000; of which not to
23 exceed \$15,000 may be for official reception and represen-
24 tation expenses; and of which up to \$1,000,000 shall be
25 available for workers compensation payments and unem-

1 ployment compensation payments associated with the or-
2 derly closure of the United States Bureau of Mines; and
3 of which \$14,136,000 for consolidated appraisal services
4 is to be derived from the Land and Water Conservation
5 Fund and shall remain available until expended: *Provided,*
6 That, for each fiscal year through fiscal year 2012, up
7 to \$400,000 of the payments authorized by the Act of Oc-
8 tober 20, 1976, as amended (31 U.S.C. 6901–6907) may
9 be retained for administrative expenses of the Payments
10 in Lieu of Taxes Program: *Provided further,* That no pay-
11 ment shall be made pursuant to that Act to otherwise eli-
12 gible units of local government if the computed amount
13 of the payment is less than \$100: *Provided further,* That
14 to implement a reorganization of the Bureau of Ocean En-
15 ergy Management, Regulation, and Enforcement the Sec-
16 retary may establish accounts, transfer funds among and
17 between the offices and bureaus affected by the reorga-
18 nization, and take any other administrative actions nec-
19 essary in conformance with the Appropriations Commit-
20 tees’ reprogramming guidance (as described in House Re-
21 port 111–316, the explanatory statement accompanying
22 Public Law 111–88).

1 INSULAR AFFAIRS

2 ASSISTANCE TO TERRITORIES

3 For expenses necessary for assistance to territories
4 under the jurisdiction of the Department of the Interior,
5 \$88,507,000, of which: (1) \$77,808,000 shall remain
6 available until expended for territorial assistance, includ-
7 ing general technical assistance, maintenance assistance,
8 disaster assistance, insular management controls, coral
9 reef initiative activities, and brown tree snake control and
10 research; grants to the judiciary in American Samoa for
11 compensation and expenses, as authorized by law (48
12 U.S.C. 1661(c)); grants to the Government of American
13 Samoa, in addition to current local revenues, for construc-
14 tion and support of governmental functions; grants to the
15 Government of the Virgin Islands as authorized by law;
16 grants to the Government of Guam, as authorized by law;
17 and grants to the Government of the Northern Mariana
18 Islands as authorized by law (Public Law 94–241; 90
19 Stat. 272); and (2) \$10,699,000 shall be available until
20 September 30, 2012 for salaries and expenses of the Office
21 of Insular Affairs: *Provided*, That all financial trans-
22 actions of the territorial and local governments herein pro-
23 vided for, including such transactions of all agencies or
24 instrumentalities established or used by such governments,
25 may be audited by the Government Accountability Office,

1 at its discretion, in accordance with chapter 35 of title
2 31, United States Code: *Provided further*, That Northern
3 Mariana Islands Covenant grant funding shall be provided
4 according to those terms of the Agreement of the Special
5 Representatives on Future United States Financial Assist-
6 ance for the Northern Mariana Islands approved by Public
7 Law 104–134: *Provided further*, That of the amounts pro-
8 vided for technical assistance, sufficient funds shall be
9 made available for a grant to the Pacific Basin Develop-
10 ment Council: *Provided further*, That of the amounts pro-
11 vided for technical assistance, sufficient funding shall be
12 made available for a grant to the Close Up Foundation:
13 *Provided further*, That the funds for the program of oper-
14 ations and maintenance improvement are appropriated to
15 institutionalize routine operations and maintenance im-
16 provement of capital infrastructure with territorial partici-
17 pation and cost sharing to be determined by the Secretary
18 based on the grantee’s commitment to timely maintenance
19 of its capital assets: *Provided further*, That any appropria-
20 tion for disaster assistance under this heading in this Act
21 or previous appropriations Acts may be used as non-Fed-
22 eral matching funds for the purpose of hazard mitigation
23 grants provided pursuant to section 404 of the Robert T.
24 Stafford Disaster Relief and Emergency Assistance Act
25 (42 U.S.C. 5170c).

1 COMPACT OF FREE ASSOCIATION

2 For grants and necessary expenses, \$5,318,000, to
3 remain available until expended, as provided for in sec-
4 tions 221(a)(2), 221(b), and 233 of the Compact of Free
5 Association for the Republic of Palau; and section
6 221(a)(2) of the Compacts of Free Association for the
7 Government of the Republic of the Marshall Islands and
8 the Federated States of Micronesia, as authorized by Pub-
9 lic Law 99-658 and Public Law 108-188.

10 ADMINISTRATIVE PROVISIONS

11 (INCLUDING TRANSFER OF FUNDS)

12 At the request of the Governor of Guam, the Sec-
13 retary may transfer discretionary funds or mandatory
14 funds provided under section 104(e) of Public Law 108-
15 188 and Public Law 104-134, that are allocated for
16 Guam, to the Secretary of Agriculture for the subsidy cost
17 of direct or guaranteed loans, plus not to exceed three per-
18 cent of the amount of the subsidy transferred for the cost
19 of loan administration, for the purposes authorized by the
20 Rural Electrification Act of 1936 and section 306(a)(1)
21 of the Consolidated Farm and Rural Development Act for
22 construction and repair projects in Guam, and such funds
23 shall remain available until expended: *Provided*, That such
24 costs, including the cost of modifying such loans, shall be
25 as defined in section 502 of the Congressional Budget Act

1 of 1974: *Provided further*, That such loans or loan guaran-
 2 tees may be made without regard to the population of the
 3 area, credit elsewhere requirements, and restrictions on
 4 the types of eligible entities under the Rural Electrifica-
 5 tion Act of 1936 and section 306(a)(1) of the Consolidated
 6 Farm and Rural Development Act: *Provided further*, That
 7 any funds transferred to the Secretary of Agriculture shall
 8 be in addition to funds otherwise made available to make
 9 or guarantee loans under such authorities.

10 OFFICE OF THE SOLICITOR

11 SALARIES AND EXPENSES

12 For necessary expenses of the Office of the Solicitor,
 13 \$67,894,000.

14 OFFICE OF INSPECTOR GENERAL

15 SALARIES AND EXPENSES

16 For necessary expenses of the Office of Inspector
 17 General, \$49,560,000.

18 OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN

19 INDIANS

20 FEDERAL TRUST PROGRAMS

21 (INCLUDING TRANSFER OF FUNDS)

22 For the operation of trust programs for Indians by
 23 direct expenditure, contracts, cooperative agreements,
 24 compacts, and grants, \$168,115,000, to remain available
 25 until expended, of which not to exceed \$31,534,000 from

1 this or any other Act, shall be available for historical ac-
2 counting: *Provided*, That funds for trust management im-
3 provements and litigation support may, as needed, be
4 transferred to or merged with the Bureau of Indian Af-
5 fairs, “Operation of Indian Programs” account; the Office
6 of the Solicitor, “Salaries and Expenses” account; and the
7 Office of the Secretary, “Salaries and Expenses” account:
8 *Provided further*, That funds made available through con-
9 tracts or grants obligated during fiscal year 2011, as au-
10 thorized by the Indian Self-Determination Act of 1975 (25
11 U.S.C. 450 et seq.), shall remain available until expended
12 by the contractor or grantee: *Provided further*, That, not-
13 withstanding any other provision of law, the statute of lim-
14 itations shall not commence to run on any claim, including
15 any claim in litigation pending on the date of the enact-
16 ment of this Act, concerning losses to or mismanagement
17 of trust funds, until the affected tribe or individual Indian
18 has been furnished with an accounting of such funds from
19 which the beneficiary can determine whether there has
20 been a loss: *Provided further*, That, notwithstanding any
21 other provision of law, the Secretary shall not be required
22 to provide a quarterly statement of performance for any
23 Indian trust account that has not had activity for at least
24 18 months and has a balance of \$15.00 or less: *Provided*
25 *further*, That the Secretary shall issue an annual account

1 statement and maintain a record of any such accounts and
2 shall permit the balance in each such account to be with-
3 drawn upon the express written request of the account
4 holder: *Provided further*, That not to exceed \$50,000 is
5 available for the Secretary to make payments to correct
6 administrative errors of either disbursements from or de-
7 posits to Individual Indian Money or Tribal accounts after
8 September 30, 2002: *Provided further*, That erroneous
9 payments that are recovered shall be credited to and re-
10 main available in this account for this purpose.

11 DEPARTMENT-WIDE PROGRAMS

12 WILDLAND FIRE MANAGEMENT

13 (INCLUDING TRANSFERS AND RESCISSION OF FUNDS)

14 For necessary expenses for fire preparedness, sup-
15 pression operations, fire science and research, emergency
16 rehabilitation, hazardous fuels reduction, and rural fire as-
17 sistance by the Department of the Interior, \$825,452,000,
18 to remain available until expended, of which not to exceed
19 \$6,137,000 shall be for the renovation or construction of
20 fire facilities: *Provided*, That such funds are also available
21 for repayment of advances to other appropriation accounts
22 from which funds were previously transferred for such
23 purposes: *Provided further*, That persons hired pursuant
24 to 43 U.S.C. 1469 may be furnished subsistence and lodg-
25 ing without cost from funds available from this appropria-

1 tion: *Provided further*, That notwithstanding 42 U.S.C.
2 1856d, sums received by a bureau or office of the Depart-
3 ment of the Interior for fire protection rendered pursuant
4 to 42 U.S.C. 1856 et seq., protection of United States
5 property, may be credited to the appropriation from which
6 funds were expended to provide that protection, and are
7 available without fiscal year limitation: *Provided further*,
8 That using the amounts designated under this title of this
9 Act, the Secretary of the Interior may enter into procure-
10 ment contracts, grants, or cooperative agreements, for
11 hazardous fuels reduction activities, and for training and
12 monitoring associated with such hazardous fuels reduction
13 activities, on Federal land, or on adjacent non-Federal
14 land for activities that benefit resources on Federal land:
15 *Provided further*, That the costs of implementing any co-
16 operative agreement between the Federal Government and
17 any non-Federal entity may be shared, as mutually agreed
18 on by the affected parties: *Provided further*, That notwith-
19 standing requirements of the Competition in Contracting
20 Act, the Secretary, for purposes of hazardous fuels reduc-
21 tion activities, may obtain maximum practicable competi-
22 tion among: (1) local private, nonprofit, or cooperative en-
23 tities; (2) Youth Conservation Corps crews, Public Lands
24 Corps (Public Law 109–154), or related partnerships with
25 State, local, or nonprofit youth groups; (3) small or micro-

1 businesses; or (4) other entities that will hire or train lo-
2 cally a significant percentage, defined as 50 percent or
3 more, of the project workforce to complete such contracts:
4 *Provided further*, That in implementing this section, the
5 Secretary shall develop written guidance to field units to
6 ensure accountability and consistent application of the au-
7 thorities provided herein: *Provided further*, That funds ap-
8 propriated under this head may be used to reimburse the
9 United States Fish and Wildlife Service and the National
10 Marine Fisheries Service for the costs of carrying out their
11 responsibilities under the Endangered Species Act of 1973
12 (16 U.S.C. 1531 et seq.) to consult and conference, as
13 required by section 7 of such Act, in connection with
14 wildland fire management activities: *Provided further*,
15 That the Secretary of the Interior may use wildland fire
16 appropriations to enter into noncompetitive sole-source
17 leases of real property with local governments, at or below
18 fair market value, to construct capitalized improvements
19 for fire facilities on such leased properties, including but
20 not limited to fire guard stations, retardant stations, and
21 other initial attack and fire support facilities, and to make
22 advance payments for any such lease or for construction
23 activity associated with the lease: *Provided further*, That
24 the Secretary of the Interior and the Secretary of Agri-
25 culture may authorize the transfer of funds appropriated

1 for wildland fire management, in an aggregate amount not
2 to exceed \$50,000,000, between the Departments when
3 such transfers would facilitate and expedite jointly funded
4 wildland fire management programs and projects: *Pro-*
5 *vided further*, That funds provided for wildfire suppression
6 shall be available for support of Federal emergency re-
7 sponse actions: *Provided further*, That \$145,000,000 in
8 unobligated fire suppression balances under this heading
9 in Public Law 111–8 and Public Law 111–88 are hereby
10 permanently rescinded.

11 FLAME WILDFIRE SUPPRESSION RESERVE FUND

12 (INCLUDING TRANSFER OF FUNDS)

13 For deposit in the FLAME Wildfire Suppression Re-
14 serve Fund, as authorized in the FLAME Act of 2009
15 (title V of division A of Public Law 111–88), \$96,000,000,
16 to remain available until expended.

17 CENTRAL HAZARDOUS MATERIALS FUND

18 For necessary expenses of the Department of the In-
19 terior and any of its component offices and bureaus for
20 the response action, including associated activities, per-
21 formed pursuant to the Comprehensive Environmental Re-
22 sponse, Compensation, and Liability Act, as amended (42
23 U.S.C. 9601 et seq.), \$10,152,000, to remain available
24 until expended.

1 NATURAL RESOURCE DAMAGE ASSESSMENT AND
2 RESTORATION
3 NATURAL RESOURCE DAMAGE ASSESSMENT FUND

4 To conduct natural resource damage assessment and
5 restoration activities by the Department of the Interior
6 necessary to carry out the provisions of the Comprehensive
7 Environmental Response, Compensation, and Liability
8 Act, as amended (42 U.S.C. 9601 et seq.), the Federal
9 Water Pollution Control Act, as amended (33 U.S.C. 1251
10 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701
11 et seq.), and Public Law 101–337, as amended (16 U.S.C.
12 19jj et seq.), \$6,434,000, to remain available until ex-
13 pended.

14 WORKING CAPITAL FUND

15 For the acquisition of a departmental financial and
16 business management system and information technology
17 improvements of general benefit to the Department,
18 \$81,619,000, to remain available until expended: *Pro-*
19 *vided*, That hereafter none of the funds in this Act or any
20 other Act may be used to establish reserves in the Working
21 Capital Fund account other than for accrued annual leave
22 and depreciation of equipment without prior approval of
23 the House and Senate Committees on Appropriations:
24 *Provided further*, That for fiscal years 2011 through 2013
25 the Secretary may assess reasonable charges to State,

1 local and tribal government employees for training services
2 provided by the National Indian Program Training Cen-
3 ter, other than training related to Public Law 93-638:
4 *Provided further*, That the Secretary may lease or other-
5 wise provide space and related facilities, equipment or pro-
6 fessional services of the National Indian Program Train-
7 ing Center to State, local and tribal government employees
8 or persons or organizations engaged in cultural, edu-
9 cational, or recreational activities (as defined in 40 U.S.C.
10 3306(a)) at the prevailing rate for similar space, facilities,
11 equipment, or services in the vicinity of the National In-
12 dian Program Training Center: *Provided further*, That for
13 fiscal years 2011 through 2013 all funds received pursu-
14 ant to the two preceding provisos shall be credited to this
15 account, shall be available until expended, and shall be
16 used by the Secretary for necessary expenses of the Na-
17 tional Indian Program Training Center: *Provided further*,
18 That of the funds made available under this heading,
19 \$2,500,000 shall be used to increase acquisition workforce
20 and capabilities and to support the implementation of De-
21 partment-wide strategic sourcing vehicles for improved ef-
22 fectiveness and efficiency.

23 ADMINISTRATIVE PROVISION

24 There is hereby authorized for acquisition from avail-
25 able resources within the Working Capital Fund, 15 air-

1 craft, 10 of which shall be for replacement and which may
2 be obtained by donation, purchase or through available ex-
3 cess surplus property: *Provided*, That existing aircraft
4 being replaced may be sold, with proceeds derived or
5 trade-in value used to offset the purchase price for the
6 replacement aircraft.

7 GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR
8 (INCLUDING TRANSFERS OF FUNDS)

9 EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

10 SEC. 101. Appropriations made in this title shall be
11 available for expenditure or transfer (within each bureau
12 or office), with the approval of the Secretary, for the emer-
13 gency reconstruction, replacement, or repair of aircraft,
14 buildings, utilities, or other facilities or equipment dam-
15 aged or destroyed by fire, flood, storm, or other unavoid-
16 able causes: *Provided*, That no funds shall be made avail-
17 able under this authority until funds specifically made
18 available to the Department of the Interior for emer-
19 gencies shall have been exhausted: *Provided further*, That
20 all funds used pursuant to this section must be replenished
21 by a supplemental appropriation which must be requested
22 as promptly as possible.

23 EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE

24 SEC. 102. The Secretary may authorize the expendi-
25 ture or transfer of any no year appropriation in this title,

1 in addition to the amounts included in the budget pro-
2 grams of the several agencies, for the suppression or emer-
3 gency prevention of wildland fires on or threatening lands
4 under the jurisdiction of the Department of the Interior;
5 for the emergency rehabilitation of burned-over lands
6 under its jurisdiction; for emergency actions related to po-
7 tential or actual earthquakes, floods, volcanoes, storms, or
8 other unavoidable causes; for contingency planning subse-
9 quent to actual oil spills; for response and natural resource
10 damage assessment activities related to actual oil spills;
11 for the prevention, suppression, and control of actual or
12 potential grasshopper and Mormon cricket outbreaks on
13 lands under the jurisdiction of the Secretary, pursuant to
14 the authority in section 1773(b) of Public Law 99–198
15 (99 Stat. 1658); for emergency reclamation projects under
16 section 410 of Public Law 95–87; and shall transfer, from
17 any no year funds available to the Office of Surface Min-
18 ing Reclamation and Enforcement, such funds as may be
19 necessary to permit assumption of regulatory authority in
20 the event a primacy State is not carrying out the regu-
21 latory provisions of the Surface Mining Act: *Provided*,
22 That appropriations made in this title for wildland fire
23 operations shall be available for the payment of obligations
24 incurred during the preceding fiscal year, and for reim-
25 bursement to other Federal agencies for destruction of ve-

1 hicles, aircraft, or other equipment in connection with
2 their use for wildland fire operations, such reimbursement
3 to be credited to appropriations currently available at the
4 time of receipt thereof: *Provided further*, That for wildland
5 fire operations, no funds shall be made available under
6 this authority until the Secretary determines that funds
7 appropriated for “wildland fire operations” and “FLAME
8 Wildfire Suppression Reserve Fund” shall be exhausted
9 within 30 days: *Provided further*, That all funds used pur-
10 suant to this section must be replenished by a supple-
11 mental appropriation which must be requested as prompt-
12 ly as possible: *Provided further*, That such replenishment
13 funds shall be used to reimburse, on a pro rata basis, ac-
14 counts from which emergency funds were transferred.

15 AUTHORIZED USE OF FUNDS

16 SEC. 103. Appropriations made to the Department
17 of the Interior in this title shall be available for services
18 as authorized by 5 U.S.C. 3109, when authorized by the
19 Secretary, in total amount not to exceed \$500,000; pur-
20 chase and replacement of motor vehicles, including spe-
21 cially equipped law enforcement vehicles; hire, mainte-
22 nance, and operation of aircraft; hire of passenger motor
23 vehicles; purchase of reprints; payment for telephone serv-
24 ice in private residences in the field, when authorized
25 under regulations approved by the Secretary; and the pay-

1 percent in fiscal year 2011. Under circumstances of dual
2 enrollment, overlapping service areas or inaccurate dis-
3 tribution methodologies, the 10 percent limitation does not
4 apply.

5 TWIN CITIES RESEARCH CENTER

6 SEC. 106. Notwithstanding any other provision of
7 law, in conveying the Twin Cities Research Center under
8 the authority provided by Public Law 104–134, as amend-
9 ed by Public Law 104–208, the Secretary may accept and
10 retain land and other forms of reimbursement: *Provided*,
11 That the Secretary may retain and use any such reim-
12 bursement until expended and without further appropria-
13 tion: (1) for the benefit of the National Wildlife Refuge
14 System within the State of Minnesota; and (2) for all ac-
15 tivities authorized by 16 U.S.C. 460zz.

16 PAYMENT OF FEES

17 SEC. 107. The Secretary of the Interior may use dis-
18 cretionary funds to pay private attorney fees and costs for
19 employees and former employees of the Department of the
20 Interior reasonably incurred in connection with *Cobell v.*
21 *Salazar* to the extent that such fees and costs are not paid
22 by the Department of Justice or by private insurance. In
23 no case shall the Secretary make payments under this sec-
24 tion that would result in payment of hourly fees in excess
25 of the highest hourly rate approved by the District Court

1 for the District of Columbia for counsel in *Cobell v.*
2 *Salazar*.

3 MASS MARKING OF SALMONIDS

4 SEC. 108. The United States Fish and Wildlife Serv-
5 ice shall, in carrying out its responsibilities to protect
6 threatened and endangered species of salmon, implement
7 a system of mass marking of salmonid stocks, intended
8 for harvest, that are released from federally operated or
9 federally financed hatcheries including but not limited to
10 fish releases of coho, chinook, and steelhead species.
11 Marked fish must have a visible mark that can be readily
12 identified by commercial and recreational fishers.

13 ELLIS, GOVERNORS, AND LIBERTY ISLANDS

14 SEC. 109. Notwithstanding any other provision of
15 law, the Secretary of the Interior is authorized to acquire
16 lands, waters, or interests therein including the use of all
17 or part of any pier, dock, or landing within the State of
18 New York and the State of New Jersey, for the purpose
19 of operating and maintaining facilities in the support of
20 transportation and accommodation of visitors to Ellis,
21 Governors, and Liberty Islands, and of other program and
22 administrative activities, by donation or with appropriated
23 funds, including franchise fees (and other monetary con-
24 sideration), or by exchange; and the Secretary is author-
25 ized to negotiate and enter into leases, subleases, conces-

1 sion contracts or other agreements for the use of such fa-
2 cilities on such terms and conditions as the Secretary may
3 determine reasonable.

4 PROHIBITION ON USE OF FUNDS, MOJAVE NATIONAL
5 PRESERVE

6 SEC. 110. (a) Any proposed new use of the Arizona
7 & California Railroad Company's Right of Way for convey-
8 ance of water shall not proceed unless the Secretary of
9 the Interior certifies that the proposed new use is within
10 the scope of the Right of Way.

11 (b) No funds appropriated or otherwise made avail-
12 able to the Department of the Interior may be used, in
13 relation to any proposal to store water underground for
14 the purpose of export, for approval of any right-of-way or
15 similar authorization on the Mojave National Preserve or
16 lands managed by the Needles Field Office of the Bureau
17 of Land Management, or for carrying out any activities
18 associated with such right-of-way or similar approval.

19 ICE AGE NATIONAL SCENIC TRAIL

20 SEC. 111. Funds provided in this Act for Federal
21 land acquisition by the National Park Service for Ice Age
22 National Scenic Trail may be used for a grant to a State,
23 a local government, or any other land management entity
24 for the acquisition of lands without regard to any restric-
25 tion on the use of Federal land acquisition funds provided

1 through the Land and Water Conservation Fund Act of
2 1965 as amended.

3 OUTER CONTINENTAL SHELF INSPECTION FEES

4 SEC. 112. (a) In fiscal year 2011, the Bureau of
5 Ocean Energy Management, Regulation, and Enforcement
6 (BOEMRE) shall collect a nonrefundable inspection fee,
7 which shall be deposited in the “Royalty and Offshore
8 Minerals Management” account, from the designated op-
9 erator for facilities subject to inspection by BOEMRE
10 under 43 U.S.C. 1348(c) that are above the waterline, ex-
11 cept mobile offshore drilling units, and are in place at the
12 start of fiscal year 2011.

13 (b) Fees for 2011 shall be:

14 (1) \$12,000 for facilities with no wells, but with
15 processing equipment or gathering lines;

16 (2) \$19,500 for facilities with one to ten wells,
17 with any combination of active or inactive wells; and

18 (3) \$36,000 for facilities with more than ten
19 wells, with any combination of active or inactive
20 wells.

21 (c) BOEMRE will bill designated operators within 60
22 days of enactment of this Act, with payment required
23 within 30 days of billing.

1 PROHIBITION ON USE OF FUNDS, POINT REYES NATIONAL
2 SEASHORE

3 SEC. 113. None of the funds in this Act may be used
4 to further reduce the number of Axis or Fallow deer at
5 Point Reyes National Seashore below the number as of
6 the date of enactment of this Act.

7 PEARL HARBOR NAVAL COMPLEX, JOINT TICKETING,
8 AMENDMENT

9 SEC. 114. Section 121(b)(1) of Public Law 111–88
10 is amended by inserting the word “hereafter” between the
11 words “may” and “enter”.

12 ONSHORE OIL AND GAS INSPECTION FEES

13 SEC. 115. (a) In fiscal year 2011, the Bureau of
14 Land Management (BLM) shall collect a non-refundable
15 inspection fee, which shall be deposited in the “Manage-
16 ment of Lands and Resources” account, from the des-
17 ignated operator of each Federal and Indian lease or
18 agreement subject to inspection by BLM under 30 U.S.C.
19 1718(b) that is in place at the start of fiscal year 2011.

20 (b) Fees for 2011 shall be:

21 (1) \$300 for each lease or agreement with no
22 active or inactive wells, but with surface use, dis-
23 turbance or reclamation;

1 (2) \$600 for each lease or agreement with one
2 to ten wells, with any combination of active or inac-
3 tive wells;

4 (3) \$1,500 for each lease or agreement with 11
5 to 50 wells, with any combination of active or inac-
6 tive wells; and

7 (4) \$3,000 for each lease or agreement with
8 more than 50 wells, with any combination of active
9 or inactive wells.

10 (c) BLM will bill designated operators within 60 days
11 of enactment of this Act, with payment required within
12 30 days of billing.

13 OIL AND GAS LEASING INTERNET PROGRAM

14 SEC. 116. Notwithstanding section 17(b)(1)(A) of the
15 Mineral Leasing Act (30 U.S.C. 226(b)(1)(A)), the Sec-
16 retary of the Interior shall have the authority to establish
17 an oil and gas leasing Internet program, under which the
18 Secretary may conduct lease sales through methods other
19 than oral bidding.

20 INDIAN PROBATE JUDGES

21 SEC. 117. Section 108 of Public Law 109–54 (the
22 Department of the Interior, Environment, and Related
23 Agencies Appropriations Act, 2006) is amended by strik-
24 ing “for fiscal years 2006 through 2010, for the purpose
25 of reducing the backlog of” and inserting “for fiscal year

1 2006 and each fiscal year thereafter, for the purpose of
2 adjudicating”.

3 AUTHORIZED USE OF INDIAN EDUCATION FUNDS

4 SEC. 118. Beginning July 1, 2008, any funds (includ-
5 ing investments and interest earned, except for construc-
6 tion funds) held by a Public Law 100–297 grant or a Pub-
7 lic Law 93–638 contract school shall, upon retrocession
8 to or re-assumption by the Bureau of Indian Education,
9 remain available to BIE for a period of 5 years from the
10 date of retrocession or re-assumption for the benefit of
11 the programs approved for the school on October 1, 1995.

12 BUREAU OF INDIAN AFFAIRS OPERATED SCHOOLS

13 SEC. 119. (a)(1) Notwithstanding section 586(c) of
14 title 40, United States Code, the Director of the BIE, or
15 the Director’s designee, is authorized to enter into agree-
16 ments with public and private persons and entities that
17 provide for such persons and entities to rent or lease the
18 land or facilities of a Bureau-operated school for such pe-
19 riods of time as the school is Bureau operated, in exchange
20 for a consideration (in the form of funds) that benefits
21 the school, as determined by the head of the school.

22 (2) Funds received under paragraph (1) shall be re-
23 tained by the school and used for school purposes other-
24 wise authorized by law. Any funds received under para-
25 graph (1) are hereby made available until expended for

1 such purposes, notwithstanding section 3302 of title 31,
2 United States Code.

3 (3) Nothing in this section shall be construed to allow
4 for the diminishment of, or otherwise affect, the appro-
5 priation of funds to the budget accounts for the operation
6 and maintenance of Bureau-operated schools. No funds
7 shall be withheld from the distribution to the budget of
8 any Bureau-operated school due to the receipt by the
9 school of a benefit in accordance with this section.

10 (b) The Secretary of the Interior shall promulgate
11 regulations to carry out this section not later than 16
12 months after the date of the enactment of this Act. Such
13 regulations shall include—

14 (1) provisions for the establishment and admin-
15 istration of mechanisms for the acceptance of con-
16 sideration for the use and benefit of a school in ac-
17 cordance with this section (including, in appropriate
18 cases, the establishment and administration of trust
19 funds);

20 (2) accountability standards to ensure ethical
21 conduct; and

22 (3) provisions for monitoring the amount and
23 terms of consideration received, the manner in which
24 the consideration is used, and any results achieved
25 by such use.

1 (c) Provisions of this section shall apply to fiscal
2 years 2011 through 2013.

3 TERMINATION OF HYDROPOWER RESERVATIONS

4 SEC. 120. In the Bureau of Land Management pat-
5 ent numbered 04–83–0065 (CA 6313) and dated May 13,
6 1983, the reservation under section 24 of the Federal
7 Power Act (16 U.S.C. 818) that is encumbering approxi-
8 mately 103.26 acres of private land owned by Donald L.
9 Smith within sections 25, 26, 35, and 36, T. 4 S., R. 24
10 E., Mount Diablo Meridian, Madera County, California,
11 is terminated; and to the extent that any reservation of
12 use for hydropower could be deemed to have been omitted
13 under section 24 of the Federal Power Act (16 U.S.C.
14 818) from the patent numbered CA 6312 and dated Sep-
15 tember 25, 1987 to the approximately 41.323 acres of pri-
16 vate land owned by Lindsay Smith, Peggy L. Birchim,
17 Donald L. Smith, and Keith Smith and more particularly
18 described as embracing a portion of Secs. 25 and 36,
19 Unsurveyed T. 4 S., R 24 E., Mount Diablo Meridian,
20 Jackass Mining District, Madera County, California, such
21 reservation is terminated.

22 OUTER CONTINENTAL SHELF LEASING REVIEW PERIOD

23 SEC. 121. Section 11 of the Outer Continental Shelf
24 Lands Act (43 U.S.C. 1340) is amended in subsection
25 (c)(1) in the fourth sentence by deleting “within 30 days

1 of its submission” and inserting in lieu thereof “within
2 90 days of its submission”.

3 PROTECTION OF PUBLIC LANDS, MOJAVE DESERT

4 SEC. 122. No funds in this Act shall be used to proc-
5 ess or grant a right of way, lease, or other property inter-
6 est for the purpose of commercial energy production on
7 public lands managed by the Bureau of Land Management
8 previously acquired at least in part through donations for
9 conservation purposes, within the boundaries of the area
10 described as “potential conservation lands” and depicted
11 on the map entitled “Mojave Desert Area” dated Novem-
12 ber 8, 2010 and on file at the Bureau of Land Manage-
13 ment Director’s office.

14 DISTRIBUTION OF GEOTHERMAL RECEIPTS

15 SEC. 123. Section 3003(a) of Public Law 111–212
16 (124 Stat. 2338) is amended by striking “fiscal year 2010
17 only” and inserting “fiscal year 2010 and 2011”.

18 BUREAU OF LAND MANAGEMENT, LAND

19 RECONFIGURATION

20 SEC. 124. Patent No. 27–2005–0081 and its associ-
21 ated land reconfiguration issued by the Bureau of Land
22 Management on February 18, 2005, is hereby affirmed
23 and validated as having been issued pursuant to and in
24 compliance with the provisions of the Nevada-Florida
25 Land Exchange Authorization Act of 1988 (Public Law

1 100–275), the National Environmental Policy Act of
2 1969, and the Federal Land Policy Management Act of
3 1976 for the benefit of the desert tortoise and other spe-
4 cies and their habitat to increase the likelihood of their
5 recovery. The process utilized by the United States Fish
6 and Wildlife Service and the Bureau of Land Management
7 in reconfiguring the lands as shown on Exhibit 1–4 of the
8 Final Environmental Impact Statement for the Planned
9 Development Project MSHCP, Lincoln County, NV
10 (FWS–R8–ES–2008–N0136) and the reconfiguration
11 provided for in Special Condition 10 of Army Corps of
12 Engineers Permit No. 000005042 are hereby ratified.

13 NATIVE HAWAIIAN RECOGNITION STUDY AUTHORIZATION
14 SEC. 125. The Secretary of the Interior shall, with
15 funds appropriated for fiscal year 2011, and in coordina-
16 tion with the State of Hawaii and those offices designated
17 under the Hawaii State Constitution as representative of
18 the Native Hawaiian community, including the Office of
19 Hawaiian Affairs and the Department of Hawaiian Home
20 Lands, and the Attorney General of the United States,
21 examine and make recommendations to Congress no later
22 than September 30, 2011, on developing a mechanism for
23 the reorganization of a Native Hawaiian governing entity
24 and recognition by the United States of the Native Hawai-

1 ian governing entity as an Indian tribe within the meaning
2 of Articles I and II of the Constitution.

3 TITLE II

4 ENVIRONMENTAL PROTECTION AGENCY

5 SCIENCE AND TECHNOLOGY

6 For science and technology, including research and
7 development activities, which shall include research and
8 development activities under the Comprehensive Environ-
9 mental Response, Compensation, and Liability Act of
10 1980, as amended; necessary expenses for personnel and
11 related costs and travel expenses; procurement of labora-
12 tory equipment and supplies; and other operating expenses
13 in support of research and development, \$852,197,000, to
14 remain available until September 30, 2012.

15 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

16 For environmental programs and management, in-
17 cluding necessary expenses, not otherwise provided for, for
18 personnel and related costs and travel expenses; hire of
19 passenger motor vehicles; hire, maintenance, and oper-
20 ation of aircraft; purchase of reprints; library member-
21 ships in societies or associations which issue publications
22 to members only or at a price to members lower than to
23 subscribers who are not members; administrative costs of
24 the brownfields program under the Small Business Liabil-
25 ity Relief and Brownfields Revitalization Act of 2002; and

1 not to exceed \$9,000 for official reception and representa-
2 tion expenses, \$2,926,881,000, to remain available until
3 September 30, 2012: *Provided*, That of the funds included
4 under this heading, not less than \$454,350,000 shall be
5 for the Geographic Programs specified in the explanatory
6 statement accompanying this Act.

7 OFFICE OF INSPECTOR GENERAL

8 For necessary expenses of the Office of Inspector
9 General in carrying out the provisions of the Inspector
10 General Act of 1978, as amended, \$45,646,000, to remain
11 available until September 30, 2012.

12 BUILDINGS AND FACILITIES

13 For construction, repair, improvement, extension, al-
14 teration, and purchase of fixed equipment or facilities of,
15 or for use by, the Environmental Protection Agency,
16 \$38,001,000, to remain available until expended.

17 HAZARDOUS SUBSTANCE SUPERFUND

18 (INCLUDING TRANSFERS OF FUNDS)

19 For necessary expenses to carry out the Comprehen-
20 sive Environmental Response, Compensation, and Liabil-
21 ity Act of 1980 (CERCLA), as amended, including sec-
22 tions 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C.
23 9611) \$1,293,060,000, to remain available until expended,
24 consisting of such sums as are available in the Trust Fund
25 on September 30, 2010, as authorized by section 517(a)

1 of the Superfund Amendments and Reauthorization Act
2 of 1986 (SARA) and up to \$1,293,060,000 as a payment
3 from general revenues to the Hazardous Substance Super-
4 fund for purposes as authorized by section 517(b) of
5 SARA, as amended: *Provided*, That funds appropriated
6 under this heading may be allocated to other Federal
7 agencies in accordance with section 111(a) of CERCLA:
8 *Provided further*, That of the funds appropriated under
9 this heading, \$10,156,000 shall be paid to the “Office of
10 Inspector General” appropriation to remain available until
11 September 30, 2012, and \$24,527,000 shall be paid to the
12 “Science and Technology” appropriation to remain avail-
13 able until September 30, 2012.

14 LEAKING UNDERGROUND STORAGE TANK TRUST FUND
15 PROGRAM

16 For necessary expenses to carry out leaking under-
17 ground storage tank cleanup activities authorized by sub-
18 title I of the Solid Waste Disposal Act, as amended,
19 \$113,219,000, to remain available until expended, of
20 which \$78,789,000 shall be for carrying out leaking un-
21 derground storage tank cleanup activities authorized by
22 section 9003(h) of the Solid Waste Disposal Act, as
23 amended; \$34,430,000 shall be for carrying out the other
24 provisions of the Solid Waste Disposal Act specified in sec-
25 tion 9508(e) of the Internal Revenue Code, as amended:

1 *Provided*, That the Administrator is authorized to use ap-
2 propriations made available under this heading to imple-
3 ment section 9013 of the Solid Waste Disposal Act to pro-
4 vide financial assistance to federally recognized Indian
5 tribes for the development and implementation of pro-
6 grams to manage underground storage tanks.

7 OIL SPILL RESPONSE

8 For expenses necessary to carry out the Environ-
9 mental Protection Agency's responsibilities under the Oil
10 Pollution Act of 1990, \$18,468,000, to be derived from
11 the Oil Spill Liability trust fund, to remain available until
12 expended.

13 STATE AND TRIBAL ASSISTANCE GRANTS

14 For environmental programs and infrastructure as-
15 sistance, including capitalization grants for State revolv-
16 ing funds and performance partnership grants,
17 \$4,768,929,000, to remain available until expended, of
18 which \$1,898,000,000 shall be for making capitalization
19 grants for the Clean Water State Revolving Funds under
20 title VI of the Federal Water Pollution Control Act, as
21 amended (the "Act"); of which \$1,206,000,000 shall be
22 for making capitalization grants for the Drinking Water
23 State Revolving Funds under section 1452 of the Safe
24 Drinking Water Act, as amended: *Provided*, That for fiscal
25 year 2011, to the extent there are sufficient eligible project

1 applications, not less than 20 percent of the funds made
2 available under this title to each State for Clean Water
3 State Revolving Fund capitalization grants and not less
4 than 20 percent of the funds made available under this
5 title to each State for Drinking Water State Revolving
6 Fund capitalization grants shall be used by the State for
7 projects to address green infrastructure, water or energy
8 efficiency improvements, or other environmentally innova-
9 tive activities; \$17,000,000 shall be for architectural, engi-
10 neering, planning, design, construction and related activi-
11 ties in connection with the construction of high priority
12 water and wastewater facilities in the area of the United
13 States-Mexico Border, after consultation with the appro-
14 priate border commission; \$13,000,000 shall be for grants
15 to the State of Alaska to address drinking water and
16 wastewater infrastructure needs of rural and Alaska Na-
17 tive Villages: *Provided further*, That, of these funds: (1)
18 the State of Alaska shall provide a match of 25 percent;
19 (2) no more than 5 percent of the funds may be used for
20 administrative and overhead expenses; and (3) the State
21 of Alaska shall make awards consistent with the State-
22 wide priority list established in conjunction with the Agen-
23 cy and the U.S. Department of Agriculture for all water,
24 sewer, waste disposal, and similar projects carried out by
25 the State of Alaska that are funded under section 221 of

1 the Federal Water Pollution Control Act (33 U.S.C. 1301)
2 or the Consolidated Farm and Rural Development Act (7
3 U.S.C. 1921 et seq.) which shall allocate not less than 25
4 percent of the funds provided for projects in regional hub
5 communities; \$145,056,000 shall be for making special
6 project grants and technical corrections to prior-year
7 grants for the construction of drinking water, wastewater
8 and storm water infrastructure and for water quality pro-
9 tection in accordance with the terms and conditions speci-
10 fied for such grants in the explanatory statement accom-
11 panying this Act, and, for purposes of these grants, each
12 grantee shall contribute not less than 45 percent of the
13 cost of the project unless the grantee is approved for a
14 waiver by the Agency; \$128,254,000 shall be to carry out
15 section 104(k) of the Comprehensive Environmental Re-
16 sponse, Compensation, and Liability Act of 1980
17 (CERCLA), as amended, including grants, interagency
18 agreements, and associated program support costs;
19 \$60,000,000 shall be for grants under title VII, subtitle
20 G of the Energy Policy Act of 2005, as amended;
21 \$15,000,000 shall be for emission reduction grants in ac-
22 cordance with the terms and conditions of the explanatory
23 statement accompanying this Act; and \$1,286,619,000
24 shall be for grants, including associated program support
25 costs, to States, federally recognized tribes, interstate

1 agencies, tribal consortia, and air pollution control agen-
2 cies for multi-media or single media pollution prevention,
3 control and abatement and related activities, including ac-
4 tivities pursuant to the provisions set forth under this
5 heading in Public Law 104–134, and for making grants
6 under section 103 of the Clean Air Act for particulate
7 matter monitoring and data collection activities subject to
8 terms and conditions specified by the Administrator, of
9 which \$49,495,000 shall be for carrying out section 128
10 of CERCLA, as amended, \$10,200,000 shall be for Envi-
11 ronmental Information Exchange Network grants, includ-
12 ing associated program support costs, \$10,000,000 shall
13 be for competitive grants to communities to develop plans
14 and demonstrate and implement projects which reduce
15 greenhouse gas emissions, \$30,000,000 shall be for grants
16 to federally recognized Indian tribes for implementation
17 of environmental programs and projects as defined by the
18 Administrator that complement existing tribal environ-
19 mental program grants, including interagency agreements,
20 \$23,500,000 of the funds available for grants under sec-
21 tion 106 of the Act shall be for State participation in
22 national- and State-level statistical surveys of water re-
23 sources and enhancements to State monitoring programs,
24 and, in addition to funds appropriated under the heading
25 “Leaking Underground Storage Tank Trust Fund Pro-

1 gram” to carry out the provisions of the Solid Waste Dis-
2 posal Act specified in section 9508(c) of the Internal Rev-
3 enue Code other than section 9003(h) of the Solid Waste
4 Disposal Act, as amended, \$2,550,000 shall be for grants
5 to States under section 2007(f)(2) of the Solid Waste Dis-
6 posal Act, as amended: *Provided further*, That notwith-
7 standing section 603(d)(7) of the Federal Water Pollution
8 Control Act, the limitation on the amounts in a State
9 water pollution control revolving fund that may be used
10 by a State to administer the fund shall not apply to
11 amounts included as principal in loans made by such fund
12 in fiscal year 2011 and prior years where such amounts
13 represent costs of administering the fund to the extent
14 that such amounts are or were deemed reasonable by the
15 Administrator, accounted for separately from other assets
16 in the fund, and used for eligible purposes of the fund,
17 including administration: *Provided further*, That for fiscal
18 year 2011, and notwithstanding section 518(f) of the Act,
19 the Administrator is authorized to use the amounts appro-
20 priated for any fiscal year under section 319 of that Act
21 to make grants to federally recognized Indian tribes pur-
22 suant to sections 319(h) and 518(e) of that Act: *Provided*
23 *further*, That for fiscal year 2011, notwithstanding the
24 limitation on amounts in section 518(c) of the Federal
25 Water Pollution Control Act and section 1452(i) of the

1 Safe Drinking Water Act, up to a total of 2 percent of
2 the funds appropriated for State Revolving Funds under
3 such Acts may be reserved by the Administrator for grants
4 under section 518(c) and section 1452(i) of such Acts:
5 *Provided further*, That for fiscal year 2011, notwith-
6 standing the amounts specified in section 205(c) of the
7 Federal Water Pollution Control Act, up to 1.5 percent
8 of the aggregate funds appropriated for the Clean Water
9 State Revolving Fund program under the Act less any
10 sums reserved under section 518(c) of the Act may be re-
11 served by the Administrator for grants made under title
12 II of the Clean Water Act for American Samoa, Guam,
13 the Commonwealth of the Northern Marianas, and United
14 States Virgin Islands: *Provided further*, That for fiscal
15 year 2011, notwithstanding the limitations on amounts
16 specified in section 1452(j) of the Safe Drinking Water
17 Act, up to 1.5 percent of the funds appropriated for the
18 Drinking Water State Revolving Fund programs under
19 the Safe Drinking Water Act may be reserved by the Ad-
20 ministrator for grants made under section 1452(j) of the
21 Safe Drinking Water Act: *Provided further*, That not less
22 than 30 percent of the funds made available under this
23 title to each State for Clean Water State Revolving Fund
24 capitalization grants and not less than 30 percent of the
25 funds made available under this title to each State for

1 Drinking Water State Revolving Fund capitalization
2 grants shall be used by the State to provide additional sub-
3 sidy to eligible recipients in the form of forgiveness of
4 principal, negative interest loans, or grants (or any com-
5 bination of these), and shall be so used by the State only
6 where such funds are provided as initial financing for an
7 eligible recipient to buy, refinance, or restructure the debt
8 obligations of eligible recipients only where such debt was
9 incurred on or after the date of enactment of this Act,
10 except that for the Clean Water State Revolving Fund
11 capitalization grant appropriation this section shall only
12 apply to the portion that exceeds \$1,000,000,000: *Pro-*
13 *vided further*, That no funds provided by this appropria-
14 tions Act to address the water, wastewater and other crit-
15 ical infrastructure needs of the colonias in the United
16 States along the United States-Mexico border shall be
17 made available to a county or municipal government un-
18 less that government has established an enforceable local
19 ordinance, or other zoning rule, which prevents in that ju-
20 risdiction the development or construction of any addi-
21 tional colonia areas, or the development within an existing
22 colonia the construction of any new home, business, or
23 other structure which lacks water, wastewater, or other
24 necessary infrastructure: *Provided further*, That for fiscal
25 year 2011 and hereafter, the Administrator may transfer

1 funds provided for tribal set-asides through Clean Water
2 State Revolving Funds and Drinking Water State Revolv-
3 ing Funds accounts between those accounts in the same
4 manner as provided to States under section 302(a) of Pub-
5 lic Law 104–182, as amended.

6 ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL

7 PROTECTION AGENCY

8 (INCLUDING TRANSFER AND RESCISSION OF FUNDS)

9 For fiscal year 2011, notwithstanding 31 U.S.C.
10 6303(1) and 6305(1), the Administrator of the Environ-
11 mental Protection Agency, in carrying out the Agency’s
12 function to implement directly Federal environmental pro-
13 grams required or authorized by law in the absence of an
14 acceptable tribal program, may award cooperative agree-
15 ments to federally recognized Indian tribes or Intertribal
16 consortia, if authorized by their member Tribes, to assist
17 the Administrator in implementing Federal environmental
18 programs for Indian tribes required or authorized by law,
19 except that no such cooperative agreements may be award-
20 ed from funds designated for State financial assistance
21 agreements.

22 The Administrator of the Environmental Protection
23 Agency is authorized to collect and obligate pesticide reg-
24 istration service fees in accordance with section 33 of the
25 Federal Insecticide, Fungicide, and Rodenticide Act, as

1 amended by Public Law 110–94, the Pesticide Registra-
2 tion Improvement Renewal Act.

3 The Administrator is authorized to transfer up to
4 \$300,000,000 of the funds appropriated for the Great
5 Lakes Restoration Initiative under the heading “Environ-
6 mental Programs and Management” to the head of any
7 Federal department or agency, with the concurrence of
8 such head, to carry out activities that would support the
9 Great Lakes Restoration Initiative and Great Lakes
10 Water Quality Agreement programs, projects, or activities;
11 to enter into an interagency agreement with the head of
12 such Federal department or agency to carry out these ac-
13 tivities; and to make grants to governmental entities, non-
14 profit organizations, institutions, and individuals for plan-
15 ning, research, monitoring, outreach, and implementation
16 in furtherance of the Great Lakes Restoration Initiative
17 and the Great Lakes Water Quality Agreement.

18 From unobligated balances to carry out projects and
19 activities funded through the “State and Tribal Assistance
20 Grants” account, \$10,000,000 are permanently rescinded:
21 *Provided*, That no amounts may be rescinded from
22 amounts that were designated by Congress as an emer-
23 gency requirement pursuant to the Concurrent Resolution
24 on the Budget or the Balanced Budget and Emergency
25 Deficit Control Act of 1985, as amended.

1 For fiscal year 2011, the requirements of section 513
2 of the Federal Water Pollution Control Act (33 U.S.C.
3 1372) shall apply to the construction of treatment works
4 carried out in whole or in part with assistance made avail-
5 able by a State water pollution control revolving fund as
6 authorized by title VI of that Act (33 U.S.C. 1381 et seq.),
7 or with assistance made available under section 205(m)
8 of that Act (33 U.S.C. 1285(m)), or both.

9 For fiscal year 2011, the requirements of section
10 1450(e) of the Safe Drinking Water Act (42 U.S.C. 300j-
11 9(e)) shall apply to any construction project carried out
12 in whole or in part with assistance made available by a
13 drinking water treatment revolving loan fund as author-
14 ized by section 1452 of that Act (42 U.S.C. 300j-12).

15 Under terms established by the Administrator, and
16 in addition to funds otherwise available in other appropria-
17 tions accounts for grant programs, the Agency may ex-
18 pend up to \$2,448,000 appropriated in the “Environ-
19 mental Programs and Management” account for competi-
20 tive grants to communities to implement Community Ac-
21 tion for a Renewed Environment projects.

1 TITLE III
2 RELATED AGENCIES
3 DEPARTMENT OF AGRICULTURE
4 FOREST SERVICE
5 FOREST AND RANGELAND RESEARCH

6 For necessary expenses of forest and rangeland re-
7 search as authorized by law, \$314,254,000, to remain
8 available until expended: *Provided*, That of the funds pro-
9 vided, \$66,939,000 is for the forest inventory and analysis
10 program.

11 STATE AND PRIVATE FORESTRY

12 For necessary expenses of cooperating with and pro-
13 viding technical and financial assistance to States, terri-
14 tories, possessions, and others, and for forest health man-
15 agement, including treatments of pests, pathogens, and
16 invasive or noxious plants and for restoring and rehabili-
17 tating forests damaged by pests or invasive plants, cooper-
18 ative forestry, and education and land conservation activi-
19 ties and conducting an international program as author-
20 ized, \$323,142,000, to remain available until expended, as
21 authorized by law; of which \$87,285,000 is to be derived
22 from the Land and Water Conservation Fund; and of
23 which \$2,000,000 may be made available to the Pest and
24 Disease Revolving Loan Fund established by section

1 10205(b) of the Food, Conservation, and Energy Act of
2 2008 (16 U.S.C. 2104a(b)).

3 NATIONAL FOREST SYSTEM

4 (INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses of the Forest Service, not
6 otherwise provided for, for management, protection, im-
7 provement, and utilization of the National Forest System,
8 \$1,618,743,000, to remain available until expended, which
9 shall include 50 percent of all moneys received during
10 prior fiscal years as fees collected under the Land and
11 Water Conservation Fund Act of 1965, as amended, in
12 accordance with section 4 of the Act (16 U.S.C. 460l-
13 6a(i)): *Provided*, That, of the funds provided, \$40,000,000
14 shall be deposited in the Collaborative Forest Landscape
15 Restoration Fund for ecological restoration treatments as
16 authorized by 16 U.S.C. 7303(f).

17 CAPITAL IMPROVEMENT AND MAINTENANCE

18 (INCLUDING TRANSFER OF FUNDS)

19 For necessary expenses of the Forest Service, not
20 otherwise provided for, \$544,547,000, to remain available
21 until expended, for construction, capital improvement,
22 maintenance and acquisition of buildings and other facili-
23 ties and infrastructure; and for construction, capital im-
24 provement, decommissioning, and maintenance of forest
25 roads and trails by the Forest Service as authorized by

1 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*,
2 That \$90,000,000 shall be designated for the Legacy
3 Road and Trail Remediation Program as described under
4 Administrative Provisions, Forest Service: *Provided fur-*
5 *ther*, That no funds shall be expended to decommission
6 any system road until notice and an opportunity for public
7 comment has been provided on each decommissioning
8 project: *Provided further*, That the decommissioning of un-
9 authorized roads not part of the official transportation
10 system shall be expedited in response to threats to public
11 safety, water quality, or natural resources: *Provided fur-*
12 *ther*, That funds becoming available in fiscal year 2011
13 under the Act of March 4, 1913 (16 U.S.C. 501) shall
14 be transferred to the General Fund of the Treasury and
15 shall not be available for transfer or obligation for any
16 other purpose unless the funds are appropriated.

17 LAND ACQUISITION

18 For expenses necessary to carry out the provisions
19 of the Land and Water Conservation Fund Act of 1965,
20 as amended (16 U.S.C. 4601–4 through 11), including ad-
21 ministrative expenses, and for acquisition of land or wa-
22 ters, or interest therein, in accordance with statutory au-
23 thority applicable to the Forest Service, \$73,489,000, to
24 be derived from the Land and Water Conservation Fund
25 and to remain available until expended.

1 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL
2 ACTS

3 For acquisition of lands within the exterior bound-
4 aries of the Cache, Uinta, and Wasatch National Forests,
5 Utah; the Toiyabe National Forest, Nevada; and the An-
6 geles, San Bernardino, Sequoia, and Cleveland National
7 Forests, California, as authorized by law, \$1,050,000, to
8 be derived from forest receipts.

9 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

10 For acquisition of lands, such sums, to be derived
11 from funds deposited by State, county, or municipal gov-
12 ernments, public school districts, or other public school au-
13 thorities, and for authorized expenditures from funds de-
14 posited by non-Federal parties pursuant to Land Sale and
15 Exchange Acts, pursuant to the Act of December 4, 1967,
16 as amended (16 U.S.C. 484a), to remain available until
17 expended (16 U.S.C. 460l-516-617a, 555a; Public Law
18 96-586; Public Law 76-589, 76-591; and Public Law
19 78-310).

20 RANGE BETTERMENT FUND

21 For necessary expenses of range rehabilitation, pro-
22 tection, and improvement, 50 percent of all moneys re-
23 ceived during the prior fiscal year, as fees for grazing do-
24 mestic livestock on lands in National Forests in the 16
25 Western States, pursuant to section 401(b)(1) of Public

1 Law 94–579, as amended, to remain available until ex-
2 pended, of which not to exceed 6 percent shall be available
3 for administrative expenses associated with on-the-ground
4 range rehabilitation, protection, and improvements.

5 GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND
6 RANGELAND RESEARCH

7 For expenses authorized by 16 U.S.C. 1643(b),
8 \$50,000, to remain available until expended, to be derived
9 from the fund established pursuant to the above Act.

10 MANAGEMENT OF NATIONAL FOREST LANDS FOR
11 SUBSISTENCE USES

12 For necessary expenses of the Forest Service to man-
13 age Federal lands in Alaska for subsistence uses under
14 title VIII of the Alaska National Interest Lands Conserva-
15 tion Act (Public Law 96–487), \$2,606,000, to remain
16 available until expended.

17 WILDLAND FIRE MANAGEMENT
18 (INCLUDING TRANSFERS AND RESCISSION OF FUNDS)

19 For necessary expenses for forest fire presuppression
20 activities on National Forest System lands, for emergency
21 fire suppression on or adjacent to such lands or other
22 lands under fire protection agreement, hazardous fuels re-
23 duction on or adjacent to such lands, and for emergency
24 rehabilitation of burned-over National Forest System
25 lands and water, \$2,127,922,000, to remain available until

1 expended: *Provided*, That such funds including unobli-
2 gated balances under this heading, are available for repay-
3 ment of advances from other appropriations accounts pre-
4 viously transferred for such purposes: *Provided further*,
5 That such funds shall be available to reimburse State and
6 other cooperating entities for services provided in response
7 to wildfire and other emergencies or disasters to the extent
8 such reimbursements by the Forest Service for non-fire
9 emergencies are fully repaid by the responsible emergency
10 management agency: *Provided further*, That, notwith-
11 standing any other provision of law, \$9,009,000 of funds
12 appropriated under this appropriation shall be available
13 for the Forest Service in support of fire science research
14 authorized by the Joint Fire Science Program, including
15 all Forest Service authorities for the use of funds, such
16 as contracts, grants, research joint venture agreements,
17 and cooperative agreements: *Provided further*, That all au-
18 thorities for the use of funds, including the use of con-
19 tracts, grants, and cooperative agreements, available to
20 execute the Forest and Rangeland Research appropria-
21 tion, are also available in the utilization of these funds
22 for Fire Science Research: *Provided further*, That funds
23 provided shall be available for emergency rehabilitation
24 and restoration, hazardous fuels reduction activities in the
25 urban-wildland interface, support to Federal emergency

1 response, and wildfire suppression activities of the Forest
2 Service: *Provided further*, That of the funds provided,
3 \$369,447,000 is for hazardous fuels reduction activities,
4 \$11,000,000 is for rehabilitation and restoration,
5 \$24,060,000 is for research activities and to make com-
6 petitive research grants pursuant to the Forest and
7 Rangeland Renewable Resources Research Act, as amend-
8 ed (16 U.S.C. 1641 et seq.), \$70,000,000 is for State fire
9 assistance, \$9,000,000 is for volunteer fire assistance,
10 \$20,752,000 is for forest health activities on Federal lands
11 and \$11,428,000 is for forest health activities on State
12 and private lands: *Provided further*, That amounts in this
13 paragraph may be transferred to the “State and Private
14 Forestry”, “National Forest System”, and “Forest and
15 Rangeland Research” accounts to fund State fire assist-
16 ance, volunteer fire assistance, forest health management,
17 forest and rangeland research, the Joint Fire Science Pro-
18 gram, vegetation and watershed management, heritage
19 site rehabilitation, and wildlife and fish habitat manage-
20 ment and restoration: *Provided further*, That up to
21 \$10,000,000 of the funds provided under this heading for
22 hazardous fuels treatments may be transferred to and
23 made a part of the “National Forest System” account to
24 facilitate integrated projects 30 days after notifying the
25 House and the Senate Committees on Appropriations:

1 *Provided further*, That the costs of implementing any co-
2 operative agreement between the Federal Government and
3 any non-Federal entity may be shared, as mutually agreed
4 on by the affected parties: *Provided further*, That up to
5 \$15,000,000 of the funds provided herein may be used by
6 the Secretary of Agriculture to enter into procurement
7 contracts or cooperative agreements or to issue grants for
8 hazardous fuels reduction and for training or monitoring
9 associated with such hazardous fuels reduction activities
10 on Federal land or on non-Federal land if the Secretary
11 determines such activities implement a community wildfire
12 protection plan (or equivalent) and benefit resources on
13 Federal land: *Provided further*, That funds made available
14 to implement the Community Forest Restoration Act,
15 Public Law 106–393, title VI, shall be available for use
16 on non-Federal lands in accordance with authorities made
17 available to the Forest Service under the “State and Pri-
18 vate Forestry” appropriation: *Provided further*, That the
19 Secretary of the Interior and the Secretary of Agriculture
20 may authorize the transfer of funds appropriated for
21 wildland fire management, in an aggregate amount not to
22 exceed \$50,000,000, between the Departments when such
23 transfers would facilitate and expedite jointly funded
24 wildland fire management programs and projects: *Pro-
25 vided further*, That of the funds provided for hazardous

1 fuels reduction, not to exceed \$5,000,000 may be used to
2 make grants, using any authorities available to the Forest
3 Service under the “State and Private Forestry” appro-
4 priation, for the purpose of creating incentives for in-
5 creased use of biomass from National Forest System
6 lands; not to exceed \$5,000,000 may be transferred to the
7 “State and Private Forestry” account as authorized under
8 Public Law 110–246, section 9013, to fund the Commu-
9 nity Wood Energy Program; and not to exceed \$5,000,000
10 may be transferred to the “Forest and Rangeland Re-
11 search” account as authorized under Public Law 110–246,
12 section 9012, to fund the Forest Biomass for Energy Pro-
13 gram: *Provided further*, That funds designated for wildfire
14 suppression, including funds transferred from the
15 FLAME Wildfire Suppression Reserve Fund, shall be as-
16 sessed for cost pools on the same basis as such assess-
17 ments are calculated against other agency programs: *Pro-*
18 *vided further*, That \$155,000,000 in unobligated fire sup-
19 pression balances under this heading from Public Law
20 111–88 are hereby permanently rescinded.

21 FLAME WILDFIRE SUPPRESSION RESERVE FUND

22 (INCLUDING TRANSFERS OF FUNDS)

23 For deposit in the FLAME Wildfire Suppression Re-
24 serve Fund, as authorized in the FLAME Act of 2009

1 (title V of division A of Public Law 111–88),
2 \$291,000,000, to remain available until expended.

3 ADMINISTRATIVE PROVISIONS, FOREST SERVICE

4 (INCLUDING TRANSFERS OF FUNDS)

5 Appropriations to the Forest Service for the current
6 fiscal year shall be available for: (1) purchase of passenger
7 motor vehicles; acquisition of passenger motor vehicles
8 from excess sources, and hire of such vehicles; purchase,
9 lease, operation, maintenance, and acquisition of aircraft
10 from excess sources to maintain the operable fleet for use
11 in Forest Service wildland fire programs and other Forest
12 Service programs; notwithstanding other provisions of law,
13 existing aircraft being replaced may be sold, with proceeds
14 derived or trade-in value used to offset the purchase price
15 for the replacement aircraft; (2) services pursuant to 7
16 U.S.C. 2225, and not to exceed \$100,000 for employment
17 under 5 U.S.C. 3109; (3) purchase, erection, and alter-
18 ation of buildings and other public improvements (7
19 U.S.C. 2250); (4) acquisition of land, waters, and inter-
20 ests therein pursuant to 7 U.S.C. 428a; (5) for expenses
21 pursuant to the Volunteers in the National Forest Act of
22 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost
23 of uniforms as authorized by 5 U.S.C. 5901–5902; and
24 (7) for debt collection contracts in accordance with 31
25 U.S.C. 3718(c).

1 Any appropriations or funds available to the Forest
2 Service may be transferred to the “Wildland Fire Manage-
3 ment” appropriation for forest firefighting, emergency re-
4 habilitation of burned-over or damaged lands or waters
5 under its jurisdiction, and fire preparedness due to severe
6 burning conditions five days after the Secretary notifies
7 the House and Senate Committees on Appropriations that
8 all fire suppression funds appropriated under the headings
9 “Wildland Fire Management” and “FLAME Wildfire
10 Suppression Reserve Fund” shall be fully obligated within
11 30 days: *Provided*, That all funds used pursuant to this
12 paragraph must be replenished by a supplemental appro-
13 priation which must be requested as promptly as possible.

14 Funds appropriated to the Forest Service shall be
15 available for assistance to or through the Agency for Inter-
16 national Development in connection with forest and range-
17 land research, technical information, and assistance in for-
18 eign countries, and shall be available to support forestry
19 and related natural resource activities outside the United
20 States and its territories and possessions, including tech-
21 nical assistance, education and training, and cooperation
22 with United States and international organizations. The
23 Forest Service, acting for the International Program, may
24 sign direct funding agreements with foreign governments
25 and institutions as well as other domestic agencies (includ-

1 ing the U.S. Agency for International Development, the
2 Department of State, and the Millennium Challenge Cor-
3 poration), U.S. private sector firms, institutions and orga-
4 nizations to provide technical assistance and training pro-
5 grams overseas on forestry and rangeland management.

6 None of the funds made available to the Forest Serv-
7 ice in this Act or any other Act with respect to any fiscal
8 year shall be subject to transfer under the provisions of
9 section 702(b) of the Department of Agriculture Organic
10 Act of 1944 (7 U.S.C. 2257), section 442 of Public Law
11 106–224 (7 U.S.C. 7772), or section 10417(b) of Public
12 Law 107–107 (7 U.S.C. 8316(b)).

13 None of the funds available to the Forest Service may
14 be reprogrammed without the advance approval of the
15 House and Senate Committees on Appropriations in ac-
16 cordance with the reprogramming procedures contained in
17 the explanatory statement accompanying this Act.

18 Not more than \$1,057,000,000 of funds made avail-
19 able to the Forest Service shall be assessed for cost pools
20 1 through 5.

21 Not more than \$75,310,000 of funds available to the
22 Forest Service shall be transferred to the Working Capital
23 Fund of the Department of Agriculture and not more than
24 \$16,726,000 of funds available to the Forest Service shall
25 be transferred to the Department of Agriculture for De-

1 partment Reimbursable Programs, commonly referred to
2 as Greenbook charges. Nothing in this paragraph shall
3 prohibit or limit the use of reimbursable agreements re-
4 quested by the Forest Service in order to obtain services
5 from the Department of Agriculture's National Informa-
6 tion Technology Center.

7 Funds available to the Forest Service shall be avail-
8 able for priority projects within the scope of the approved
9 budget, which shall be carried out by the Youth Conserva-
10 tion Corps and shall be carried out under the authority
11 of the Public Lands Corps Act of 1993, Public Law 103-
12 82, as amended by the Public Lands Corps Healthy For-
13 ests Restoration Act of 2005, Public Law 109-154.

14 Of the funds available to the Forest Service, \$4,000
15 is available to the Chief of the Forest Service for official
16 reception and representation expenses.

17 Pursuant to sections 405(b) and 410(b) of Public
18 Law 101-593, of the funds available to the Forest Service,
19 \$3,000,000 may be advanced in a lump sum to the Na-
20 tional Forest Foundation to aid conservation partnership
21 projects in support of the Forest Service mission, without
22 regard to when the Foundation incurs expenses, for
23 projects on or benefitting National Forest System lands
24 or related to Forest Service programs: *Provided*, That of
25 the Federal funds made available to the Foundation, no

1 more than \$50,000 shall be available for administrative
2 expenses: *Provided further*, That the Foundation shall ob-
3 tain, by the end of the period of Federal financial assist-
4 ance, private contributions to match, on at least a one-
5 for-one basis, funds made available by the Forest Service:
6 *Provided further*, That the Foundation may transfer Fed-
7 eral funds to a Federal or a non-Federal recipient for a
8 project at the same rate that the recipient has obtained
9 the non-Federal matching funds: *Provided further*, That
10 authorized investments of Federal funds held by the Foun-
11 dation may be made only in interest-bearing obligations
12 of the United States or in obligations guaranteed as to
13 both principal and interest by the United States.

14 Pursuant to section 2(b)(2) of Public Law 98-244,
15 \$3,000,000 of the funds available to the Forest Service
16 shall be advanced to the National Fish and Wildlife Foun-
17 dation in a lump sum to aid cost-share conservation
18 projects, without regard to when expenses are incurred,
19 on or benefitting National Forest System lands or related
20 to Forest Service programs: *Provided*, That such funds
21 shall be matched on at least a one-for-one basis by the
22 Foundation or its sub-recipients: *Provided further*, That
23 the Foundation may transfer Federal funds to a Federal
24 or non-Federal recipient for a project at the same rate

1 that the recipient has obtained the non-Federal matching
2 funds.

3 Funds appropriated to the Forest Service shall be
4 available for interactions with and providing technical as-
5 sistance to rural communities and natural resource-based
6 businesses for sustainable rural development purposes.

7 During fiscal year 2011 and subsequent fiscal years,
8 the Secretary of Agriculture, acting through the Forest
9 Service, may carry out a program, to be known as the
10 “Legacy Road and Trail Remediation program”, to con-
11 duct urgently needed decommissioning of Forest Service
12 roads, forest road and trail repair and maintenance and
13 associated activities, and removal of fish passage barriers
14 on National Forest System lands, especially in areas where
15 Forest Service roads may be contributing to water quality
16 problems in streams and water bodies supporting threat-
17 ened, endangered or sensitive species or community water
18 sources.

19 In such amounts as may be provided in appropriation
20 Acts, the Secretary of Agriculture, acting through the For-
21 est Service, may provide for the decommissioning of For-
22 est Service roads, including unauthorized roads not part
23 of the Forest Service transportation system, which the
24 Secretary determines are no longer needed.

1 Funds appropriated to the Forest Service shall be
2 available for payments to counties within the Columbia
3 River Gorge National Scenic Area, pursuant to section
4 14(c)(1) and (2), and section 16(a)(2) of Public Law 99-
5 663.

6 Any funds appropriated to the Forest Service may
7 be used to meet the non-Federal share requirement in sec-
8 tion 502(c) of the Older American Act of 1965 (42 U.S.C.
9 3056(c)(2)).

10 Funds available to the Forest Service, not to exceed
11 \$55,000,000, shall be assessed for the purpose of per-
12 forming fire, administrative and other facilities mainte-
13 nance and decommissioning. Such assessments shall occur
14 using a square foot rate charged on the same basis the
15 agency uses to assess programs for payment of rent, utili-
16 ties, and other support services.

17 Notwithstanding any other provision of law, any ap-
18 propriations or funds available to the Forest Service not
19 to exceed \$500,000 may be used to reimburse the Office
20 of the General Counsel (OGC), Department of Agri-
21 culture, for travel and related expenses incurred as a re-
22 sult of OGC assistance or participation requested by the
23 Forest Service at meetings, training sessions, management
24 reviews, land purchase negotiations and similar nonlitiga-
25 tion-related matters. Future budget justifications for both

1 the Forest Service and the Department of Agriculture
 2 should clearly display the sums previously transferred and
 3 the requested funding transfers.

4 An eligible individual who is employed in any project
 5 funded under title V of the Older American Act of 1965
 6 (42 U.S.C. 3056 et seq.) and administered by the Forest
 7 Service shall be considered to be a Federal employee for
 8 purposes of chapter 171 of title 28, United States Code.

9 DEPARTMENT OF HEALTH AND HUMAN

10 SERVICES

11 INDIAN HEALTH SERVICE

12 INDIAN HEALTH SERVICES

13 For expenses necessary to carry out the Act of Au-
 14 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
 15 tion Act, the Indian Health Care Improvement Act, and
 16 titles II and III of the Public Health Service Act with re-
 17 spect to the Indian Health Service, \$3,961,187,000, to-
 18 gether with payments received during the fiscal year pur-
 19 suant to 42 U.S.C. 238(b) and 238b for services furnished
 20 by the Indian Health Service: *Provided*, That funds made
 21 available to tribes and tribal organizations through con-
 22 tracts, grant agreements, or any other agreements or com-
 23 pacts authorized by the Indian Self-Determination and
 24 Education Assistance Act of 1975 (25 U.S.C. 450), shall
 25 be deemed to be obligated at the time of the grant or con-

1 tract award and thereafter shall remain available to the
2 tribe or tribal organization without fiscal year limitation:
3 *Provided further*, That \$862,765,000 for contract medical
4 care, including \$53,000,000 for the Indian Catastrophic
5 Health Emergency Fund, shall remain available until ex-
6 pended: *Provided further*, That of the funding provided for
7 information technology activities and, notwithstanding any
8 other provision of law, \$4,000,000 shall be allocated at
9 the discretion of the Director of the Indian Health Service:
10 *Provided further*, That of the funds provided, up to
11 \$36,000,000 shall remain available until expended for im-
12 plementation of the loan repayment program under section
13 108 of the Indian Health Care Improvement Act: *Provided*
14 *further*, That the amounts collected by the Federal Gov-
15 ernment as authorized by sections 104 and 108 of the In-
16 dian Health Care Improvement Act (25 U.S.C. 1613a and
17 1616a) during the preceding fiscal year for breach of con-
18 tracts shall be deposited to the Fund authorized by section
19 108A of the Act (25 U.S.C. 1616a-1) and shall remain
20 available until expended and, notwithstanding section
21 108A(c) of the Act (25 U.S.C. 1616a-1(c)), funds shall
22 be available to make new awards under the loan repay-
23 ment and scholarship programs under sections 104 and
24 108 of the Act (25 U.S.C. 1613a and 1616a): *Provided*
25 *further*, That \$16,391,000 is provided for the meth-

1 amphetamine and suicide prevention and treatment initia-
2 tive and \$10,000,000 is provided for the domestic violence
3 prevention initiative and, notwithstanding any other provi-
4 sion of law, the amounts available under this proviso shall
5 be allocated at the discretion of the Director of the Indian
6 Health Service and shall remain available until expended:
7 *Provided further*, That \$4,000,000 is provided for a sub-
8 stance abuse treatment grant program and, notwith-
9 standing any other provision of law, the amounts available
10 under this proviso shall be allocated at the discretion of
11 the Director of the Indian Health Service and shall remain
12 available until September 30, 2012: *Provided further*, That
13 funds provided in this Act may be used for annual con-
14 tracts and grants that fall within 2 fiscal years, provided
15 the total obligation is recorded in the year the funds are
16 appropriated: *Provided further*, That the amounts collected
17 by the Secretary of Health and Human Services under the
18 authority of title IV of the Indian Health Care Improve-
19 ment Act shall remain available until expended for the
20 purpose of achieving compliance with the applicable condi-
21 tions and requirements of titles XVIII and XIX of the So-
22 cial Security Act, except for those related to the planning,
23 design, or construction of new facilities: *Provided further*,
24 That funding contained herein for scholarship programs
25 under the Indian Health Care Improvement Act (25

1 U.S.C. 1613) shall remain available until expended: *Pro-*
2 *vided further*, That amounts received by tribes and tribal
3 organizations under title IV of the Indian Health Care Im-
4 provement Act shall be reported and accounted for and
5 available to the receiving tribes and tribal organizations
6 until expended: *Provided further*, That, notwithstanding
7 any other provision of law, of the amounts provided herein,
8 not to exceed \$444,332,000 shall be for payments to tribes
9 and tribal organizations for contract or grant support
10 costs associated with contracts, grants, self-governance
11 compacts, or annual funding agreements between the In-
12 dian Health Service and a tribe or tribal organization pur-
13 suant to the Indian Self-Determination Act of 1975, as
14 amended, prior to or during fiscal year 2011, of which
15 not to exceed \$10,000,000 may be used for contract sup-
16 port costs associated with new or expanded self-determina-
17 tion contracts, grants, self-governance compacts, or an-
18 nual funding agreements: *Provided further*, That the Bu-
19 reau of Indian Affairs may collect from the Indian Health
20 Service, tribes and tribal organizations operating health
21 facilities pursuant to Public Law 93-638, such individ-
22 ually identifiable health information relating to disabled
23 children as may be necessary for the purpose of carrying
24 out its functions under the Individuals with Disabilities
25 Education Act (20 U.S.C. 1400, et seq.): *Provided further*,

1 That the Indian Health Care Improvement Fund may be
2 used, as needed, to carry out activities typically funded
3 under the Indian Health Facilities account.

4 INDIAN HEALTH FACILITIES

5 For construction, repair, maintenance, improvement,
6 and equipment of health and related auxiliary facilities,
7 including quarters for personnel; preparation of plans,
8 specifications, and drawings; acquisition of sites, purchase
9 and erection of modular buildings, and purchases of trail-
10 ers; and for provision of domestic and community sanita-
11 tion facilities for Indians, as authorized by section 7 of
12 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
13 Self-Determination Act, and the Indian Health Care Im-
14 provement Act, and for expenses necessary to carry out
15 such Acts and titles II and III of the Public Health Serv-
16 ice Act with respect to environmental health and facilities
17 support activities of the Indian Health Service,
18 \$445,242,000, to remain available until expended: *Pro-*
19 *vided*, That notwithstanding any other provision of law,
20 funds appropriated for the planning, design, construction,
21 renovation or expansion of health facilities for the benefit
22 of an Indian tribe or tribes may be used to purchase land
23 on which such facilities will be located: *Provided further*,
24 That not to exceed \$500,000 shall be used by the Indian
25 Health Service to purchase TRANSAM equipment from

1 the Department of Defense for distribution to the Indian
2 Health Service and tribal facilities: *Provided further*, That
3 none of the funds appropriated to the Indian Health Serv-
4 ice may be used for sanitation facilities construction for
5 new homes funded with grants by the housing programs
6 of the United States Department of Housing and Urban
7 Development: *Provided further*, That not to exceed
8 \$2,700,000 from this account and the “Indian Health
9 Services” account shall be used by the Indian Health Serv-
10 ice to obtain ambulances for the Indian Health Service
11 and tribal facilities in conjunction with an existing inter-
12 agency agreement between the Indian Health Service and
13 the General Services Administration: *Provided further*,
14 That not to exceed \$500,000 shall be placed in a Demoli-
15 tion Fund, to remain available until expended, and be used
16 by the Indian Health Service for the demolition of Federal
17 buildings.

18 ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

19 Appropriations provided in this Act to the Indian
20 Health Service shall be available for services as authorized
21 by 5 U.S.C. 3109 at rates not to exceed the per diem rate
22 equivalent to the maximum rate payable for senior-level
23 positions under 5 U.S.C. 5376; hire of passenger motor
24 vehicles and aircraft; purchase of medical equipment; pur-
25 chase of reprints; purchase, renovation and erection of

1 modular buildings and renovation of existing facilities;
2 payments for telephone service in private residences in the
3 field, when authorized under regulations approved by the
4 Secretary; uniforms or allowances therefor as authorized
5 by 5 U.S.C. 5901–5902; and for expenses of attendance
6 at meetings that relate to the functions or activities of the
7 Indian Health Service.

8 In accordance with the provisions of the Indian
9 Health Care Improvement Act, non-Indian patients may
10 be extended health care at all tribally administered or In-
11 dian Health Service facilities, subject to charges, and the
12 proceeds along with funds recovered under the Federal
13 Medical Care Recovery Act (42 U.S.C. 2651–2653) shall
14 be credited to the account of the facility providing the
15 service and shall be available without fiscal year limitation.
16 Notwithstanding any other law or regulation, funds trans-
17 ferred from the Department of Housing and Urban Devel-
18 opment to the Indian Health Service shall be administered
19 under Public Law 86–121, the Indian Sanitation Facilities
20 Act and Public Law 93–638, as amended.

21 Funds appropriated to the Indian Health Service in
22 this Act, except those used for administrative and program
23 direction purposes, shall not be subject to limitations di-
24 rected at curtailing Federal travel and transportation.

1 None of the funds made available to the Indian
2 Health Service in this Act shall be used for any assess-
3 ments or charges by the Department of Health and
4 Human Services unless identified in the budget justifica-
5 tion and provided in this Act, or approved by the House
6 and Senate Committees on Appropriations through the re-
7 programming process.

8 Notwithstanding any other provision of law, funds
9 previously or herein made available to a tribe or tribal or-
10 ganization through a contract, grant, or agreement au-
11 thorized by title I or title V of the Indian Self-Determina-
12 tion and Education Assistance Act of 1975 (25 U.S.C.
13 450), may be deobligated and reobligated to a self-deter-
14 mination contract under title I, or a self-governance agree-
15 ment under title V of such Act and thereafter shall remain
16 available to the tribe or tribal organization without fiscal
17 year limitation.

18 None of the funds made available to the Indian
19 Health Service in this Act shall be used to implement the
20 final rule published in the Federal Register on September
21 16, 1987, by the Department of Health and Human Serv-
22 ices, relating to the eligibility for the health care services
23 of the Indian Health Service until the Indian Health Serv-
24 ice has submitted a budget request reflecting the increased
25 costs associated with the proposed final rule, and such re-

1 quest has been included in an appropriations Act and en-
2 acted into law.

3 With respect to functions transferred by the Indian
4 Health Service to tribes or tribal organizations, the Indian
5 Health Service is authorized to provide goods and services
6 to those entities on a reimbursable basis, including pay-
7 ments in advance with subsequent adjustment. The reim-
8 bursements received therefrom, along with the funds re-
9 ceived from those entities pursuant to the Indian Self-De-
10 termination Act, may be credited to the same or subse-
11 quent appropriation account from which the funds were
12 originally derived, with such amounts to remain available
13 until expended.

14 Reimbursements for training, technical assistance, or
15 services provided by the Indian Health Service will contain
16 total costs, including direct, administrative, and overhead
17 associated with the provision of goods, services, or tech-
18 nical assistance.

19 The appropriation structure for the Indian Health
20 Service may not be altered without advance notification
21 to the House and Senate Committees on Appropriations.

1 NATIONAL INSTITUTES OF HEALTH
2 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
3 SCIENCES

4 For necessary expenses for the National Institute of
5 Environmental Health Sciences in carrying out activities
6 set forth in section 311(a) of the Comprehensive Environ-
7 mental Response, Compensation, and Liability Act of
8 1980, as amended, and section 126(g) of the Superfund
9 Amendments and Reauthorization Act of 1986,
10 \$81,763,000.

11 AGENCY FOR TOXIC SUBSTANCES AND DISEASE
12 REGISTRY
13 TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC
14 HEALTH

15 For necessary expenses for the Agency for Toxic Sub-
16 stances and Disease Registry (ATSDR) in carrying out
17 activities set forth in sections 104(i) and 111(c)(4) of the
18 Comprehensive Environmental Response, Compensation,
19 and Liability Act of 1980 (CERCLA), as amended; section
20 118(f) of the Superfund Amendments and Reauthoriza-
21 tion Act of 1986 (SARA), as amended; and section 3019
22 of the Solid Waste Disposal Act, as amended,
23 \$76,337,000, of which up to \$1,000 per eligible employee
24 of the Agency for Toxic Substances and Disease Registry
25 shall remain available until expended for Individual Learn-

1 ing Accounts: *Provided*, That notwithstanding any other
2 provision of law, in lieu of performing a health assessment
3 under section 104(i)(6) of CERCLA, the Administrator
4 of ATSDR may conduct other appropriate health studies,
5 evaluations, or activities, including, without limitation,
6 biomedical testing, clinical evaluations, medical moni-
7 toring, and referral to accredited health care providers:
8 *Provided further*, That in performing any such health as-
9 sessment or health study, evaluation, or activity, the Ad-
10 ministrator of ATSDR shall not be bound by the deadlines
11 in section 104(I)(6)(A) of CERCLA: *Provided further*,
12 That none of the funds appropriated under this heading
13 shall be available for ATSDR to issue in excess of 40 toxi-
14 cological profiles pursuant to section 104(I) of CERCLA
15 during fiscal year 2011, and existing profiles may be up-
16 dated as necessary.

17 OTHER RELATED AGENCIES

18 EXECUTIVE OFFICE OF THE PRESIDENT

19 COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF

20 ENVIRONMENTAL QUALITY

21 For necessary expenses to continue functions as-
22 signed to the Council on Environmental Quality and Office
23 of Environmental Quality pursuant to the National Envi-
24 ronmental Policy Act of 1969, the Environmental Quality
25 Improvement Act of 1970, and Reorganization Plan No.

1 1 of 1977, and not to exceed \$750 for official reception
2 and representation expenses, \$3,448,000: *Provided*, That
3 notwithstanding section 202 of the National Environ-
4 mental Policy Act of 1970, the Council shall consist of
5 one member, appointed by the President, by and with the
6 advice and consent of the Senate, serving as chairman and
7 exercising all powers, functions, and duties of the Council.

8 CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD
9 SALARIES AND EXPENSES

10 For necessary expenses in carrying out activities pur-
11 suant to section 112(r)(6) of the Clean Air Act, as amend-
12 ed, including hire of passenger vehicles, uniforms or allow-
13 ances therefor, as authorized by 5 U.S.C. 5901–5902, and
14 for services authorized by 5 U.S.C. 3109 but at rates for
15 individuals not to exceed the per diem equivalent to the
16 maximum rate payable for senior level positions under 5
17 U.S.C. 5376, \$13,147,000: *Provided*, That the Chemical
18 Safety and Hazard Investigation Board (Board) shall have
19 not more than three career Senior Executive Service posi-
20 tions: *Provided further*, That notwithstanding any other
21 provision of law, the individual appointed to the position
22 of Inspector General of the Environmental Protection
23 Agency (EPA) shall, by virtue of such appointment, also
24 hold the position of Inspector General of the Board: *Pro-*
25 *vided further*, That notwithstanding any other provision

1 of law, the Inspector General of the Board shall utilize
2 personnel of the Office of Inspector General of EPA in
3 performing the duties of the Inspector General of the
4 Board, and shall not appoint any individuals to positions
5 within the Board.

6 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

7 SALARIES AND EXPENSES

8 For necessary expenses of the Office of Navajo and
9 Hopi Indian Relocation as authorized by Public Law 93–
10 531, \$8,000,000, to remain available until expended: *Pro-*
11 *vided*, That funds provided in this or any other appropria-
12 tions Act are to be used to relocate eligible individuals and
13 groups including evictees from District 6, Hopi-partitioned
14 lands residents, those in significantly substandard hous-
15 ing, and all others certified as eligible and not included
16 in the preceding categories: *Provided further*, That none
17 of the funds contained in this or any other Act may be
18 used by the Office of Navajo and Hopi Indian Relocation
19 to evict any single Navajo or Navajo family who, as of
20 November 30, 1985, was physically domiciled on the lands
21 partitioned to the Hopi Tribe unless a new or replacement
22 home is provided for such household: *Provided further*,
23 That no relocatee will be provided with more than one new
24 or replacement home: *Provided further*, That the Office
25 shall relocate any certified eligible relocatees who have se-

1 lected and received an approved homesite on the Navajo
2 reservation or selected a replacement residence off the
3 Navajo reservation or on the land acquired pursuant to
4 25 U.S.C. 640d–10.

5 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
6 CULTURE AND ARTS DEVELOPMENT

7 PAYMENT TO THE INSTITUTE

8 For payment to the Institute of American Indian and
9 Alaska Native Culture and Arts Development, as author-
10 ized by title XV of Public Law 99–498, as amended (20
11 U.S.C. 56 part A), \$8,750,000.

12 SMITHSONIAN INSTITUTION

13 SALARIES AND EXPENSES

14 For necessary expenses of the Smithsonian Institu-
15 tion, as authorized by law, including research in the fields
16 of art, science, and history; development, preservation, and
17 documentation of the National Collections; presentation of
18 public exhibits and performances; collection, preparation,
19 dissemination, and exchange of information and publica-
20 tions; conduct of education, training, and museum assist-
21 ance programs; maintenance, alteration, operation, lease
22 agreements of no more than 30 years, and protection of
23 buildings, facilities, and approaches; not to exceed
24 \$100,000 for services as authorized by 5 U.S.C. 3109; and
25 purchase, rental, repair, and cleaning of uniforms for em-

1 ployees, \$660,850,000, to remain available until Sep-
2 tember 30, 2012, except as otherwise provided herein; of
3 which not to exceed \$20,556,000 for the instrumentation
4 program, collections acquisition, exhibition reinstallation,
5 the National Museum of African American History and
6 Culture, and the repatriation of skeletal remains program
7 shall remain available until expended; and including such
8 funds as may be necessary to support American overseas
9 research centers: *Provided*, That funds appropriated here-
10 in are available for advance payments to independent con-
11 tractors performing research services or participating in
12 official Smithsonian presentations.

13 FACILITIES CAPITAL

14 For necessary expenses of repair, revitalization, and
15 alteration of facilities owned or occupied by the Smithso-
16 nian Institution, by contract or otherwise, as authorized
17 by section 2 of the Act of August 22, 1949 (63 Stat. 623),
18 and for construction, including necessary personnel,
19 \$136,750,000, to remain available until expended, of
20 which not to exceed \$10,000 is for services as authorized
21 by 5 U.S.C. 3109.

22 NATIONAL GALLERY OF ART

23 SALARIES AND EXPENSES

24 For the upkeep and operations of the National Gal-
25 lery of Art, the protection and care of the works of art

1 therein, and administrative expenses incident thereto, as
2 authorized by the Act of March 24, 1937 (50 Stat. 51),
3 as amended by the public resolution of April 13, 1939
4 (Public Resolution 9, Seventy-sixth Congress), including
5 services as authorized by 5 U.S.C. 3109; payment in ad-
6 vance when authorized by the treasurer of the Gallery for
7 membership in library, museum, and art associations or
8 societies whose publications or services are available to
9 members only, or to members at a price lower than to the
10 general public; purchase, repair, and cleaning of uniforms
11 for guards, and uniforms, or allowances therefor, for other
12 employees as authorized by law (5 U.S.C. 5901–5902);
13 purchase or rental of devices and services for protecting
14 buildings and contents thereof, and maintenance, alter-
15 ation, improvement, and repair of buildings, approaches,
16 and grounds; and purchase of services for restoration and
17 repair of works of art for the National Gallery of Art by
18 contracts made, without advertising, with individuals,
19 firms, or organizations at such rates or prices and under
20 such terms and conditions as the Gallery may deem prop-
21 er, \$116,324,000, of which not to exceed \$3,445,000 for
22 the special exhibition program shall remain available until
23 expended.

1 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

2 For necessary expenses of repair, restoration and
3 renovation of buildings, grounds and facilities owned or
4 occupied by the National Gallery of Art, by contract or
5 otherwise, as authorized, \$48,221,000, to remain available
6 until expended: *Provided*, That of this amount,
7 \$42,250,000 shall be available for repair of the National
8 Gallery's East Building façade: *Provided further*, That
9 contracts awarded for environmental systems, protection
10 systems, and exterior repair or renovation of buildings of
11 the National Gallery of Art may be negotiated with se-
12 lected contractors and awarded on the basis of contractor
13 qualifications as well as price.

14 JOHN F. KENNEDY CENTER FOR THE PERFORMING

15 ARTS

16 OPERATIONS AND MAINTENANCE

17 For necessary expenses for the operation, mainte-
18 nance and security of the John F. Kennedy Center for
19 the Performing Arts, \$23,500,000: *Provided*, That the
20 proviso under this heading in division A of Public Law
21 111-88 is amended by striking "until expended" and all
22 that follows and inserting "until September 30, 2011."

23 CAPITAL REPAIR AND RESTORATION

24 For necessary expenses for capital repair and restora-
25 tion of the existing features of the building and site of

1 cordance with sections 309 and 311 of Public Law 108–
2 447, as amended by Public Law 110–161.

3 NATIONAL ENDOWMENT FOR THE HUMANITIES

4 GRANTS AND ADMINISTRATION

5 For necessary expenses to carry out the National
6 Foundation on the Arts and the Humanities Act of 1965,
7 as amended, \$170,000,000, to remain available until ex-
8 pended, of which \$154,600,000 shall be available for sup-
9 port of activities in the humanities, pursuant to section
10 7(c) of the Act and for administering the functions of the
11 Act; and \$15,400,000 shall be available to carry out the
12 matching grants program pursuant to section 10(a)(2) of
13 the Act including \$10,175,000 for the purposes of section
14 7(h): *Provided*, That appropriations for carrying out sec-
15 tion 10(a)(2) shall be available for obligation only in such
16 amounts as may be equal to the total amounts of gifts,
17 bequests, and devises of money, and other property accept-
18 ed by the chairman or by grantees of the Endowment
19 under the provisions of subsections 11(a)(2)(B) and
20 11(a)(3)(B) during the current and preceding fiscal years
21 for which equal amounts have not previously been appro-
22 priated.

23 ADMINISTRATIVE PROVISIONS

24 None of the funds appropriated to the National
25 Foundation on the Arts and the Humanities may be used

1 to process any grant or contract documents which do not
2 include the text of 18 U.S.C. 1913: *Provided*, That none
3 of the funds appropriated to the National Foundation on
4 the Arts and the Humanities may be used for official re-
5 ception and representation expenses: *Provided further*,
6 That funds from nonappropriated sources may be used as
7 necessary for official reception and representation ex-
8 penses: *Provided further*, That the Chairperson of the Na-
9 tional Endowment for the Arts may approve grants of up
10 to \$10,000, if in the aggregate this amount does not ex-
11 ceed 5 percent of the sums appropriated for grant-making
12 purposes per year: *Provided further*, That such small grant
13 actions are taken pursuant to the terms of an expressed
14 and direct delegation of authority from the National Coun-
15 cil on the Arts to the Chairperson.

16 COMMISSION OF FINE ARTS

17 SALARIES AND EXPENSES

18 For expenses made necessary by the Act establishing
19 a Commission of Fine Arts (40 U.S.C. 104), \$2,349,000:
20 *Provided*, That the Commission is authorized to charge
21 fees to cover the full costs of its publications, and such
22 fees shall be credited to this account as an offsetting col-
23 lection, to remain available until expended without further
24 appropriation: *Provided further*, That the Commission is
25 authorized to accept gifts, including objects, papers, art-

1 work, drawings and artifacts, that pertain to the history
2 and design of the Nation's Capital or the history and ac-
3 tivities of the Commission of Fine Arts, for the purpose
4 of artistic display, study or education.

5 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

6 For necessary expenses as authorized by Public Law
7 99-190 (20 U.S.C. 956a), as amended, \$12,000,000.

8 ADVISORY COUNCIL ON HISTORIC PRESERVATION

9 SALARIES AND EXPENSES

10 For necessary expenses of the Advisory Council on
11 Historic Preservation (Public Law 89-665, as amended),
12 \$5,908,000.

13 NATIONAL CAPITAL PLANNING COMMISSION

14 SALARIES AND EXPENSES

15 For necessary expenses, as authorized by the Na-
16 tional Capital Planning Act of 1952 (40 U.S.C. 71-71i),
17 including services as authorized by 5 U.S.C. 3109,
18 \$9,100,000, of which \$300,000 shall be used for coordina-
19 tion of a regional innovation cluster initiative for the Na-
20 tional Capital region: *Provided*, That one-quarter of 1 per-
21 cent of the funds provided under this heading may be used
22 for official reception and representational expenses associ-
23 ated with hosting international visitors engaged in the
24 planning and physical development of world capitals.

1 UNITED STATES HOLOCAUST MEMORIAL MUSEUM
2 HOLOCAUST MEMORIAL MUSEUM

3 For expenses of the Holocaust Memorial Museum, as
4 authorized by Public Law 106–292 (36 U.S.C. 2301–
5 2310), \$50,521,000, of which \$515,000 for the Museum’s
6 equipment replacement program, \$1,900,000 for the Mu-
7 seum’s repair and rehabilitation program, and \$1,243,000
8 for the Museum’s outreach initiatives program shall re-
9 main available until expended.

10 PRESIDIO TRUST

11 PRESIDIO TRUST FUND

12 For necessary expenses to carry out title I of the Om-
13 nibus Parks and Public Lands Management Act of 1996,
14 \$21,600,000 shall be available to the Presidio Trust, to
15 remain available until expended.

16 TITLE IV

17 GENERAL PROVISIONS

18 (INCLUDING TRANSFERS OF FUNDS)

19 LIMITATION ON CONSULTING SERVICES

20 SEC. 401. The expenditure of any appropriation
21 under this Act for any consulting service through procure-
22 ment contract, pursuant to 5 U.S.C. 3109, shall be limited
23 to those contracts where such expenditures are a matter
24 of public record and available for public inspection, except

1 where otherwise provided under existing law, or under ex-
2 isting Executive Order issued pursuant to existing law.

3 RESTRICTION ON USE OF FUNDS

4 SEC. 402. No part of any appropriation contained in
5 this Act shall be available for any activity or the publica-
6 tion or distribution of literature that in any way tends to
7 promote public support or opposition to any legislative
8 proposal on which Congressional action is not complete
9 other than to communicate to Members of Congress as
10 described in 18 U.S.C. 1913.

11 OBLIGATION OF APPROPRIATIONS

12 SEC. 403. No part of any appropriation contained in
13 this Act shall remain available for obligation beyond the
14 current fiscal year unless expressly so provided herein.

15 PROHIBITION ON USE OF FUNDS FOR PERSONAL
16 SERVICES

17 SEC. 404. None of the funds provided in this Act to
18 any department or agency shall be obligated or expended
19 to provide a personal cook, chauffeur, or other personal
20 servants to any officer or employee of such department
21 or agency except as otherwise provided by law.

22 DISCLOSURE OF ADMINISTRATIVE EXPENSES

23 SEC. 405. Estimated overhead charges, deductions,
24 reserves or holdbacks from programs, projects, activities
25 and subactivities to support government-wide, depart-

1 (b) EXCEPTIONS.—The provisions of subsection (a)
2 shall not apply if the Secretary of the Interior determines
3 that, for the claim concerned: (1) a patent application was
4 filed with the Secretary on or before September 30, 1994;
5 and (2) all requirements established under sections 2325
6 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30)
7 for vein or lode claims and sections 2329, 2330, 2331,
8 and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and
9 37) for placer claims, and section 2337 of the Revised
10 Statutes (30 U.S.C. 42) for mill site claims, as the case
11 may be, were fully complied with by the applicant by that
12 date.

13 (c) REPORT.—On September 30, 2011, the Secretary
14 of the Interior shall file with the House and Senate Com-
15 mittees on Appropriations and the Committee on Natural
16 Resources of the House and the Committee on Energy and
17 Natural Resources of the Senate a report on actions taken
18 by the Department under the plan submitted pursuant to
19 section 314(c) of the Department of the Interior and Re-
20 lated Agencies Appropriations Act, 1997 (Public Law
21 104–208).

22 (d) MINERAL EXAMINATIONS.—In order to process
23 patent applications in a timely and responsible manner,
24 upon the request of a patent applicant, the Secretary of
25 the Interior shall allow the applicant to fund a qualified

1 for such purposes, except that the Bureau of Indian Af-
2 fairs, tribes and tribal organizations may use their tribal
3 priority allocations for unmet contract support costs of on-
4 going contracts, grants, self-governance compacts, or an-
5 nual funding agreements.

6 FOREST MANAGEMENT PLANS

7 SEC. 410. The Secretary of Agriculture shall not be
8 considered to be in violation of subparagraph 6(f)(5)(A)
9 of the Forest and Rangeland Renewable Resources Plan-
10 ning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because
11 more than 15 years have passed without revision of the
12 plan for a unit of the National Forest System. Nothing
13 in this section exempts the Secretary from any other re-
14 quirement of the Forest and Rangeland Renewable Re-
15 sources Planning Act (16 U.S.C. 1600 et seq.) or any
16 other law: *Provided*, That if the Secretary is not acting
17 expeditiously and in good faith, within the funding avail-
18 able, to revise a plan for a unit of the National Forest
19 System, this section shall be void with respect to such plan
20 and a court of proper jurisdiction may order completion
21 of the plan on an accelerated basis.

22 PROHIBITION WITHIN NATIONAL MONUMENTS

23 SEC. 411. No funds provided in this Act may be ex-
24 pended to conduct preleasing, leasing and related activities
25 under either the Mineral Leasing Act (30 U.S.C. 181 et

1 seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.
2 1331 et seq.) within the boundaries of a National Monu-
3 ment established pursuant to the Act of June 8, 1906 (16
4 U.S.C. 431 et seq.) as such boundary existed on January
5 20, 2001, except where such activities are allowed under
6 the Presidential proclamation establishing such monu-
7 ment.

8 INTERNATIONAL FIREFIGHTER COOPERATIVE
9 AGREEMENTS

10 SEC. 412. In entering into agreements with foreign
11 fire organizations pursuant to the Temporary Emergency
12 Wildfire Suppression Act (42 U.S.C. 1856m–1856o), the
13 Secretary of Agriculture and the Secretary of the Interior
14 are authorized to enter into reciprocal agreements in
15 which the individuals furnished under said agreements to
16 provide wildfire services are considered, for purposes of
17 tort liability, employees of the fire organization receiving
18 said services when the individuals are engaged in fire sup-
19 pression or presuppression: *Provided*, That the Secretary
20 of Agriculture or the Secretary of the Interior shall not
21 enter into any agreement under this provision unless the
22 foreign fire organization agrees to assume any and all li-
23 ability for the acts or omissions of American firefighters
24 engaged in fire suppression or presuppression in a foreign
25 country: *Provided further*, That when an agreement is

1 reached for furnishing fire suppression or presuppression
2 services, the only remedies for acts or omissions com-
3 mitted while engaged in fire suppression or presuppression
4 shall be those provided under the laws applicable to the
5 fire organization receiving the fire suppression or
6 presuppression services, and those remedies shall be the
7 exclusive remedies for any claim arising out of fire sup-
8 pression or presuppression activities in a foreign country:
9 *Provided further*, That neither the sending country nor
10 any legal organization associated with the firefighter shall
11 be subject to any legal action, consistent with the applica-
12 ble laws governing sovereign immunity, pertaining to or
13 arising out of the firefighter's role in fire suppression or
14 presuppression, except that if the foreign fire organization
15 is unable to provide immunity under laws applicable to it,
16 it shall assume any and all liability for the United States
17 or for any legal organization associated with the American
18 firefighter, and for any and all costs incurred or assessed,
19 including legal fees, for any act or omission pertaining to
20 or arising out of the firefighter's role in fire suppression
21 or presuppression.

22 CONTRACTING AUTHORITIES

23 SEC. 413. In awarding a Federal contract with funds
24 made available by this Act, notwithstanding Federal Gov-
25 ernment procurement and contracting laws, the Secretary

1 of Agriculture and the Secretary of the Interior (the “Sec-
2 retaries”) may, in evaluating bids and proposals, give con-
3 sideration to local contractors who are from, and who pro-
4 vide employment and training for, dislocated and displaced
5 workers in an economically disadvantaged rural commu-
6 nity, including those historically timber-dependent areas
7 that have been affected by reduced timber harvesting on
8 Federal lands and other forest-dependent rural commu-
9 nities isolated from significant alternative employment op-
10 portunities: *Provided*, That notwithstanding Federal Gov-
11 ernment procurement and contracting laws the Secretaries
12 may award contracts, grants or cooperative agreements to
13 local non-profit entities, Youth Conservation Corps or re-
14 lated partnerships with State, local or non-profit youth
15 groups, or small or micro-business or disadvantaged busi-
16 ness: *Provided further*, That the contract, grant, or cooper-
17 ative agreement is for forest hazardous fuels reduction,
18 watershed or water quality monitoring or restoration, wild-
19 life or fish population monitoring, road decommissioning,
20 trail maintenance or improvement, or habitat restoration
21 or management: *Provided further*, That the terms “rural
22 community” and “economically disadvantaged” shall have
23 the same meanings as in section 2374 of Public Law 101-
24 624: *Provided further*, That the Secretaries shall develop
25 guidance to implement this section: *Provided further*, That

1 nothing in this section shall be construed as relieving the
2 Secretaries of any duty under applicable procurement
3 laws, except as provided in this section.

4 LIMITATION ON TAKINGS

5 SEC. 414. Unless otherwise provided herein, no funds
6 appropriated in this Act for the acquisition of lands or
7 interests in lands may be expended for the filing of dec-
8 larations of taking or complaints in condemnation without
9 the approval of the House and Senate Committees on Ap-
10 propriations: *Provided*, That this provision shall not apply
11 to funds appropriated to implement the Everglades Na-
12 tional Park Protection and Expansion Act of 1989, or to
13 funds appropriated for Federal assistance to the State of
14 Florida to acquire lands for Everglades restoration pur-
15 poses.

16 HUNTERS POINT ENVIRONMENTAL CLEANUP

17 SEC. 415. In addition to the amounts otherwise pro-
18 vided to the Environmental Protection Agency in this Act,
19 \$8,000,000, to remain available until expended, is pro-
20 vided to EPA to be transferred to the Department of the
21 Navy for clean-up activities at the Treasure Island Naval
22 Station—Hunters Point Annex.

23 TIMBER SALE REQUIREMENTS

24 SEC. 416. The Forest Service shall use the residual
25 value approach to appraising all timber sales in Alaska's

1 Region 10 that contain a component of Western red cedar
2 and shall only offer sales that contain a component of
3 Western red cedar that are not deficit. Western red cedar
4 shall be appraised using lower 48 State domestic values
5 if the timber might be eligible for shipment to the lower
6 48 States. All of the Western red cedar timber from those
7 sales which is surplus to the needs of domestic processors
8 in Alaska shall be made available to domestic processors
9 in the contiguous 48 United States at prevailing domestic
10 prices in the contiguous 48 United States. Western red
11 cedar shall be deemed “surplus to the needs of domestic
12 processors in Alaska” if the Forest Service determines it
13 is surplus or if the timber sale holder has presented to
14 the Forest Service documentation that the Forest Service
15 determines is valid of the inability to sell Western red
16 cedar logs from a given sale to domestic Alaska processors
17 at a price equal to or greater than the log selling value
18 stated in the contract. All additional Western red cedar
19 volume not sold to Alaska or to contiguous 48 United
20 States domestic processors may be exported to foreign
21 markets if the Forest Service determines it is surplus to
22 the needs of the 50 States. All Alaska yellow cedar may
23 be sold at prevailing export prices if the Forest Service
24 determines it is surplus to the needs of the 50 States.

1 CABIN USER FEES

2 SEC. 417. Notwithstanding any other provision of
3 law, none of the funds made available by this or any other
4 Act may be used by the Secretary of Agriculture to in-
5 crease a recreation residence user fee for calendar year
6 2011 by more than 25 percent of the recreation residence
7 user fee applicable to the recreation residence for calendar
8 year 2010.

9 REPORT ON USE OF CLIMATE CHANGE FUNDS

10 SEC. 418. Not later than 120 days after the date on
11 which the President's fiscal year 2012 budget request is
12 submitted to Congress, the President shall submit a com-
13 prehensive report to the Committee on Appropriations of
14 the House of Representatives and the Committee on Ap-
15 propriations of the Senate describing in detail all Federal
16 agency funding, domestic and international, for climate
17 change programs, projects and activities in fiscal year
18 2010 and fiscal year 2011, including an accounting of
19 funding by agency with each agency identifying climate
20 change programs, projects and activities and associated
21 costs by line item as presented in the President's Budget
22 Appendix, and including citations and linkages where
23 practicable to each strategic plan that is driving funding
24 within each climate change program, project and activity
25 listed in the report.

1 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS
2 AUTHORIZATION

3 SEC. 419. The item relating to “National Capital
4 Arts and Cultural Affairs” in the Department of the Inte-
5 rior and Related Agencies Appropriations Act, 1986, as
6 enacted into law by section 101(d) of Public Law 99–190
7 and as amended by section 418 of the Department of the
8 Interior, Environment and Related Agencies Appropria-
9 tions Act, 2010 (20 U.S.C. 956a), is amended in the sec-
10 ond sentence of the first paragraph by striking
11 “\$10,000,000” and inserting “\$12,000,000”.

12 PROHIBITION ON NO-BID CONTRACTS

13 SEC. 420. None of the funds appropriated or other-
14 wise made available by this Act to executive branch agen-
15 cies may be used to enter into any Federal contract unless
16 such contract is entered into in accordance with the re-
17 quirements of the Federal Property and Administrative
18 Service Act of 1949 (41 U.S.C. 253) or chapter 137 of
19 title 10, United States Code, and the Federal Acquisition
20 Regulations, unless:

21 (1) Federal law specifically authorizes a con-
22 tract to be entered into without regard for these re-
23 quirements, including formula grants for States, or
24 federally recognized Indian tribes; or

1 SAN FRANCISCO BAY RESTORATION GRANT PROGRAM

2 SEC. 422. Title I of the Federal Water Pollution Con-
3 trol Act (33 U.S.C. 1251 et seq.) is amended by adding
4 at the end the following:

5 **“SEC. 123. SAN FRANCISCO BAY RESTORATION GRANT PRO-**
6 **GRAM.**

7 “(a) DEFINITIONS.—In this section:

8 “(1) ANNUAL PRIORITY LIST.—The term ‘an-
9 nual priority list’ means the annual priority list com-
10 piled under subsection (b).

11 “(2) COMPREHENSIVE PLAN.—The term ‘com-
12 prehensive plan’ means—

13 “(A) the comprehensive conservation and
14 management plan approved under section 320
15 for the San Francisco Bay estuary; and

16 “(B) any amendments to that plan.

17 “(3) ESTUARY PARTNERSHIP.—The term ‘Es-
18 tuary Partnership’ means the San Francisco Estu-
19 ary Partnership, the entity that is designated as the
20 management conference under section 320.

21 “(b) ANNUAL PRIORITY LIST.—

22 “(1) IN GENERAL.—After providing public no-
23 tice, the Administrator shall annually compile a pri-
24 ority list identifying and prioritizing the activities,

1 projects, and studies intended to be funded with the
2 amounts made available under subsection (c).

3 “(2) INCLUSIONS.—The annual priority list
4 compiled under paragraph (1) shall include—

5 “(A) activities, projects, or studies, includ-
6 ing restoration projects and habitat improve-
7 ment for fish, waterfowl, and wildlife, that ad-
8 vance the goals and objectives of the approved
9 comprehensive plan;

10 “(B) information on the activities, projects,
11 programs, or studies specified under subpara-
12 graph (A), including a description of—

13 “(i) the identities of the financial as-
14 sistance recipients; and

15 “(ii) the communities to be served;
16 and

17 “(C) the criteria and methods established
18 by the Administrator for selection of activities,
19 projects, and studies.

20 “(3) CONSULTATION.—In developing the pri-
21 ority list under paragraph (1), the Administrator
22 shall consult with and consider the recommendations
23 of—

24 “(A) the Estuary Partnership;

1 “(B) the State of California and affected
2 local governments in the San Francisco Bay es-
3 tuary watershed; and

4 “(C) any other relevant stakeholder in-
5 volved with the protection and restoration of
6 the San Francisco Bay estuary that the Admin-
7 istrator determines to be appropriate.

8 “(c) GRANT PROGRAM.—

9 “(1) IN GENERAL.—Pursuant to section 320,
10 the Administrator may provide funding through co-
11 operative agreements, grants, or other means to
12 State and local agencies, and public or nonprofit
13 agencies, institutions, and organizations, including
14 the Estuary Partnership, for activities, studies, or
15 projects identified on the annual priority list.

16 “(2) MAXIMUM AMOUNT OF GRANTS; NON-FED-
17 ERAL SHARE.—

18 “(A) MAXIMUM AMOUNT OF GRANTS.—
19 Funding provided to any individual or entity
20 under this section for a fiscal year shall not ex-
21 ceed an amount equal to 75 percent of the total
22 cost of eligible activities that are to be carried
23 out using such funds.

24 “(B) NON-FEDERAL SHARE.—The non-
25 Federal share of the total cost of any eligible

1 activities that are carried out using funds pro-
2 vided under this section shall be—

3 “(i) not less than 25 percent; and

4 “(ii) provided from non-Federal
5 sources.

6 “(d) FUNDING.—

7 “(1) AUTHORIZATION OF APPROPRIATIONS.—

8 There are authorized to be appropriated to the Ad-
9 ministrator to carry out this section \$35,000,000 for
10 each of fiscal years 2011 through 2020.

11 “(2) ADMINISTRATIVE EXPENSES.—Of the
12 amount made available to carry out this section for
13 a fiscal year, the Administrator shall use not more
14 than 5 percent to pay administrative expenses in-
15 curred in carrying out this section.

16 “(3) RELATIONSHIP TO OTHER FUNDING.—

17 Nothing in this section shall limit the eligibility of
18 the Estuary Partnership to receive funding under
19 section 320(g).

20 “(4) PROHIBITION.—No funding made available

21 under subsection (c) may be used for the adminis-
22 tration of a management conference under section
23 320.”.

1 EXTENSION OF GRAZING PERMITS

2 SEC. 423. The terms and conditions of section 325
3 of Public Law 108–108, regarding grazing permits at the
4 Department of the Interior and the Forest Service shall
5 remain in effect for fiscal year 2011.

6 CONTROL OF BORDER

7 SEC. 424. None of the funds made available by this
8 Act may be used to impede, prohibit, or restrict activities
9 of the Secretary of Homeland Security on public lands to
10 achieve operational control (as defined in section 2(b) of
11 the Secure Fence Act of 2006 (8 U.S.C. 1701 note; Public
12 Law 109–367)) over the international land and maritime
13 borders of the United States with respect to section 102(b)
14 of the Illegal Immigration Reform and Immigrant Respon-
15 sibility Act of 1996 (8 U.S.C. 1103 note).

16 INCORPORATION OF CONGRESSIONALLY REQUESTED
17 PROJECTS

18 SEC. 425. Within the amounts appropriated in this
19 Act, funding shall be allocated in the amounts specified
20 for those projects and purposes delineated in the table ti-
21 tled “Incorporation of Congressionally Requested
22 Projects” included in the explanatory statement accom-
23 panying this Act: *Provided*, That subject to the approval
24 of the House and Senate Committees on Appropriations
25 funds appropriated in this Act for land acquisition, con-

1 construction, and capital improvement and maintenance may
2 be reallocated among projects funded by the same appro-
3 priation account: *Provided further*, That funds appro-
4 priated in this Act under the heading “National Park
5 Service—Historic Preservation Fund” for Save America’s
6 Treasures grants may be reallocated to be used for com-
7 petitive grants under the Save America’s Treasures pro-
8 gram if such reallocation has been approved by the House
9 and Senate Committees on Appropriations: *Provided fur-*
10 *ther*, That subject to the approval of the House and Senate
11 Committees on Appropriations the Bureau of Land Man-
12 agement, Fish and Wildlife Service, National Park Serv-
13 ice, and Forest Service may allocate either greater or less-
14 er amounts than those specified under the heading “Con-
15 gressionally Directed Spending” accompanying Public
16 Law 111–8 and in the table entitled “Incorporation of
17 Congressionally Requested Projects” in the joint explana-
18 tory statement of managers accompanying Public Law
19 111–88 within the construction, land acquisition, or cap-
20 ital improvement and maintenance accounts when nec-
21 essary to complete projects based on the original project
22 scope or to utilize excess funds available after completion
23 of a project on other projects within the same account.

1 RESCISSION OF PRIOR-YEAR BALANCES, DEPARTMENT OF
2 THE INTERIOR

3 SEC. 426. Of the funds made available to the Depart-
4 ment of the Interior for emergency wildland fire suppres-
5 sion under the headings “Bureau of Land Management—
6 Wildland Fire Management” in chapter 6 of title I of divi-
7 sion B of Public Law 110–329 and “Department-Wide
8 Programs—Wildland Fire Management” in title VII of
9 Public Law 111–32, \$160,000,000 are rescinded.

10 RESCISSION OF PRIOR-YEAR BALANCES, FOREST SERVICE

11 SEC. 427. Of the funds made available to the Forest
12 Service for emergency wildland fire suppression under the
13 headings “Forest Service—Wildland Fire Management”
14 in chapter 6 of title I of division B of Public Law 110–
15 329 and title VII of Public Law 111–32, \$140,000,000
16 are rescinded.

17 **TITLE V—SACRAMENTO-SAN**
18 **JOAQUIN DELTA NATIONAL**
19 **HERITAGE AREA**

20 **SECTION 501. SHORT TITLE.**

21 This Act may be cited as the “Sacramento-San Joa-
22 quin Delta National Heritage Area Establishment Act”.

23 **SEC. 502. SACRAMENTO-SAN JOAQUIN DELTA NATIONAL**
24 **HERITAGE AREA.**

25 (a) DEFINITIONS.—In this section:

1 (1) HERITAGE AREA.—The term “Heritage
2 Area” means the Sacramento-San Joaquin Delta
3 Heritage Area established by this section.

4 (2) HERITAGE AREA MANAGEMENT PLAN.—The
5 term “Heritage Area management plan” means the
6 plan developed and adopted by the management en-
7 tity under this section.

8 (3) MANAGEMENT ENTITY.—The term “man-
9 agement entity” means the management entity for
10 the Heritage Area designated by subsection (b)(4).

11 (4) SECRETARY.—The term “Secretary” means
12 the Secretary of the Interior.

13 (b) SACRAMENTO-SAN JOAQUIN DELTA HERITAGE
14 AREA.—

15 (1) ESTABLISHMENT.—There is established the
16 “Sacramento-San Joaquin Delta Heritage Area” in
17 the State of California.

18 (2) BOUNDARIES.—The boundaries of the Her-
19 itage Area shall be in the counties of Contra Costa,
20 Sacramento, San Joaquin, Solano, and Yolo in the
21 State of California, as generally depicted on the map
22 entitled “Sacramento-San Joaquin Delta National
23 Heritage Area Proposed Boundary”, numbered T27/
24 105,030, and dated September 2010.

1 (3) AVAILABILITY OF MAP.—The map described
2 in paragraph (2) shall be on file and available for
3 public inspection in the appropriate offices of the
4 National Park Service and the Delta Protection
5 Commission.

6 (4) MANAGEMENT ENTITY.—The management
7 entity for the Heritage Area shall be the Delta Pro-
8 tection Commission established by section 29735 of
9 the California Public Resources Code.

10 (5) ADMINISTRATION; MANAGEMENT PLAN.—

11 (A) ADMINISTRATION.—For purposes of
12 carrying out the Heritage Area management
13 plan, the Secretary, acting through the manage-
14 ment entity, may use amounts made available
15 under this section in accordance with section
16 8001(c) of the Omnibus Public Land Manage-
17 ment Act of 2009 (Public Law 111–11; 123
18 Stat. 991).

19 (B) MANAGEMENT PLAN.—

20 (i) IN GENERAL.—Subject to clause
21 (ii), the management entity shall submit to
22 the Secretary for approval a proposed
23 management plan for the Heritage Area in
24 accordance with section 8001(d) of the
25 Omnibus Public Land Management Act of

1 2009 (Public Law 111–11; 123 Stat. 991)

2 that—

3 (I) incorporates an integrated
4 and cooperative approach to agricul-
5 tural resources and activities, flood
6 protection facilities, and other public
7 infrastructure; and

8 (II) emphasizes the importance
9 of those resources.

10 (ii) RESTRICTIONS.—The Heritage
11 Area management plan submitted under
12 this paragraph shall—

13 (I) ensure participation by appro-
14 priate Federal, State, tribal, and local
15 agencies, including the Delta Steward-
16 ship Council, special districts, natural
17 and historical resource protection and
18 agricultural organizations, educational
19 institutions, businesses, recreational
20 organizations, community residents,
21 and private property owners; and

22 (II) not be approved until the
23 Secretary has received certification
24 from the Delta Protection Commission
25 that the Delta Stewardship Council

1 has reviewed the Heritage Area man-
2 agement plan for consistency with the
3 plan adopted by the Delta Steward-
4 ship Council pursuant to State law.

5 (6) RELATIONSHIP TO OTHER FEDERAL AGEN-
6 CIES; PRIVATE PROPERTY.—

7 (A) RELATIONSHIP TO OTHER FEDERAL
8 AGENCIES.—The provisions of section 8001(e)
9 of the Omnibus Public Land Management Act
10 of 2009 (Public Law 111–11; 123 Stat. 991)
11 shall apply to the Heritage Area.

12 (B) PRIVATE PROPERTY.—

13 (i) IN GENERAL.—Subject to clause
14 (ii), the provisions of section 8001(f) of the
15 Omnibus Public Land Management Act of
16 2009 (Public Law 111–11; 123 Stat. 991)
17 shall apply to the Heritage Area.

18 (ii) OPT OUT.—An owner of private
19 property within the Heritage Area may opt
20 out of participating in any plan, project,
21 program, or activity carried out within the
22 Heritage Area under this section, if the
23 property owner provides written notice to
24 the management entity.

1 (7) EVALUATION; REPORT.—The provisions of
2 section 8001(g) of the Omnibus Public Land Man-
3 agement Act of 2009 (Public Law 111–11; 123 Stat.
4 991) shall apply to the Heritage Area.

5 (8) EFFECT OF DESIGNATION.—Nothing in this
6 section—

7 (A) precludes the management entity from
8 using Federal funds made available under other
9 laws for the purposes for which those funds
10 were authorized; or

11 (B) affects any water rights or contracts.

12 (9) AUTHORIZATION OF APPROPRIATIONS.—

13 (A) IN GENERAL.—There is authorized to
14 be appropriated to carry out this section
15 \$10,000,000, of which not more than
16 \$1,000,000 may be made available for any fis-
17 cal year.

18 (B) COST-SHARING REQUIREMENT.—The
19 Federal share of the total cost of any activity
20 under this section shall be determined by the
21 Secretary, but shall be not more than 50 per-
22 cent.

23 (C) NON-FEDERAL SHARE.—The non-Fed-
24 eral share of the total cost of any activity under

1 this section may be in the form of in-kind con-
2 tributions of goods or services.

3 (10) TERMINATION OF AUTHORITY.—

4 (A) IN GENERAL.—If a proposed manage-
5 ment plan has not been submitted to the Sec-
6 retary by the date that is 5 years after the date
7 of enactment of this title, the Heritage Area
8 designation shall be rescinded.

9 (B) FUNDING AUTHORITY.—The authority
10 of the Secretary to provide assistance under
11 this section terminates on the date that is 15
12 years after the date of enactment of this Act.

13 **TITLE VI—NATIONAL WOMEN’S**
14 **HISTORY MUSEUM ACT OF 2009**

15 **SEC. 601. SHORT TITLE.**

16 This Act may be cited as the “National Women’s His-
17 tory Museum Act of 2009”.

18 **SEC. 602. DEFINITIONS.**

19 In this Act, the following definitions apply:

20 (1) ADMINISTRATOR.—The term “Adminis-
21 trator” means the Administrator of General Serv-
22 ices.

23 (2) CERCLA.—The term “CERCLA” means
24 the Comprehensive Environmental Response, Com-

1 pensation, and Liability Act of 1980 (42 U.S.C.
2 9601 et seq.).

3 (3) COMMITTEES.—The term “Committees”
4 means the Committee on Transportation and Infra-
5 structure of the House of Representatives and the
6 Committee on Environment and Public Works of the
7 Senate.

8 (4) MUSEUM.—The term “Museum” means the
9 National Women’s History Museum, Inc., a District
10 of Columbia nonprofit corporation exempt from tax-
11 ation pursuant to section 501(c)(3) of the Internal
12 Revenue Code of 1986.

13 (5) PROPERTY.—The term “Property” means
14 the property located in the District of Columbia,
15 subject to survey and as determined by the Adminis-
16 trator, generally consisting of Squares 325 and 326.
17 The Property is generally bounded by 12th Street,
18 Independence Avenue, C Street, and the James For-
19 restal Building, all in Southwest Washington, Dis-
20 trict of Columbia, and shall include all associated air
21 rights, improvements thereon, and appurtenances
22 thereto.

23 **SEC. 603. CONVEYANCE OF PROPERTY.**

24 (a) AUTHORITY TO CONVEY.—

1 (1) IN GENERAL.—Subject to the requirements
2 of this Act, the Administrator shall convey the Prop-
3 erty to the Museum, on such terms and conditions
4 as the Administrator considers reasonable and ap-
5 propriate to protect the interests of the United
6 States and further the purposes of this Act.

7 (2) AGREEMENT.—As soon as practicable, but
8 not later than 180 days after the date of enactment
9 of this Act, the Administrator shall enter into an
10 agreement with the Museum for the conveyance.

11 (3) TERMS AND CONDITIONS.—The terms and
12 conditions of the agreement shall address, among
13 other things, mitigation of developmental impacts to
14 existing Federal buildings and structures, security
15 concerns, and operational protocols for development
16 and use of the property.

17 (b) PURCHASE PRICE.—

18 (1) IN GENERAL.—The purchase price for the
19 Property shall be its fair market value based on its
20 highest and best use as determined by an inde-
21 pendent appraisal commissioned by the Adminis-
22 trator and paid for by the Museum.

23 (2) SELECTION OF APPRAISER.—The appraisal
24 shall be performed by an appraiser mutually accept-
25 able to the Administrator and the Museum.

1 (3) TERMS AND CONDITIONS FOR APPRAISAL.—

2 (A) IN GENERAL.—Except as provided by
3 subparagraph (B), the assumptions, scope of
4 work, and other terms and conditions related to
5 the appraisal assignment shall be mutually ac-
6 ceptable to the Administrator and the Museum.

7 (B) REQUIRED TERMS.—The appraisal
8 shall assume that the Property does not contain
9 hazardous substances (as defined in section 101
10 of CERCLA (42 U.S.C. 9601)) which require
11 response action (as defined in such section).

12 (c) APPLICATION OF PROCEEDS.—The purchase
13 price shall be paid into the Federal Buildings Fund estab-
14 lished under section 592 of title 40, United States Code.
15 Upon deposit, the Administrator may expend, in amounts
16 specified in appropriations Acts, the proceeds from the
17 conveyance for any lawful purpose consistent with existing
18 authorities granted to the Administrator.

19 (d) QUIT CLAIM DEED.—The Property shall be con-
20 veyed pursuant to a quit claim deed.

21 (e) USE RESTRICTION.—The Property shall be dedi-
22 cated for use as a site for a national women's history mu-
23 seum for the 99-year period beginning on the date of con-
24 veyance to the Museum.

1 (f) FUNDING RESTRICTION.—No Federal funds shall
2 be made available to the Museum for the purchase or
3 clean-up of the Property or the design and construction
4 of any facility thereon.

5 (g) REVERSION.—

6 (1) BASES FOR REVERSION.—The Property
7 shall revert to the United States, at the option of
8 the United States, without any obligation for repay-
9 ment by the United States of any amount of the
10 purchase price for the property, if—

11 (A) the Property is not used as a site for
12 a national women’s history museum at any time
13 during the 99-year period referred to in sub-
14 section (e); or

15 (B) the Museum has not commenced con-
16 struction of a museum facility on the Property
17 in the 5-year period beginning on the date of
18 enactment of this Act, other than for reasons
19 beyond the control of the Museum as reason-
20 ably determined by the Administrator.

21 (2) ENFORCEMENT.—The Administrator may
22 perform any acts necessary to enforce the rever-
23 sionary rights provided in this section.

24 (3) CUSTODY OF PROPERTY UPON REVER-
25 SION.—If the Property reverts to the United States

1 pursuant to this section, such property shall be
2 under the custody and control of the Administrator.

3 (h) CLOSING.—The conveyance pursuant to this Act
4 shall occur not later than 3 years after the date of enact-
5 ment of this Act. The Administrator may extend that pe-
6 riod for such time as is reasonably necessary for the Mu-
7 seum to perform its obligations under section 604(a).

8 **SEC. 604. ENVIRONMENTAL MATTERS.**

9 (a) AUTHORIZATION TO CONTRACT FOR ENVIRON-
10 MENTAL RESPONSE ACTIONS.—The Administrator is au-
11 thorized to contract with the Museum or an affiliate there-
12 of for the performance (on behalf of the Administrator)
13 of response actions on the Property.

14 (b) CREDITING OF RESPONSE COSTS.—Any costs in-
15 curred by the Museum or an affiliate thereof pursuant to
16 subsection (a) shall be credited to the purchase price for
17 the Property.

18 (c) NO EFFECT ON COMPLIANCE WITH ENVIRON-
19 MENTAL LAWS.—Nothing in this Act, or any amendment
20 made by this Act, affects or limits the application of or
21 obligation to comply with any environmental law, including
22 section 120(h) of CERCLA (42 U.S.C. 9620(h)).

23 **SEC. 605. INCIDENTAL COSTS.**

24 Subject to section 604, the Museum shall bear any
25 and all costs associated with complying with the provisions

1 of this Act, including studies and reports, surveys, relo-
2 cating tenants, and mitigating impacts to existing Federal
3 buildings and structures resulting directly from the devel-
4 opment of the property by the Museum.

5 **SEC. 606. LAND USE APPROVALS.**

6 (a) **EXISTING AUTHORITIES.**—Nothing in this Act
7 shall be construed as limiting or affecting the authority
8 or responsibilities of the National Capital Planning Com-
9 mission or the Commission of Fine Arts.

10 (b) **COOPERATION.**—

11 (1) **ZONING AND LAND USE.**—Subject to para-
12 graph (2), the Administrator shall reasonably co-
13 operate with the Museum with respect to any zoning
14 or other land use matter relating to development of
15 the Property in accordance with this Act. Such co-
16 operation shall include consenting to applications by
17 the Museum for applicable zoning and permitting
18 with respect to the property.

19 (2) **LIMITATIONS.**—The Administrator shall not
20 be required to incur any costs with respect to co-
21 operation under this subsection and any consent pro-
22 vided under this subsection shall be premised on the
23 property being developed and operated in accordance
24 with this Act.

1 **SEC. 607. REPORTS.**

2 Not later than 1 year after the date of enactment
3 of this Act, and annually thereafter until the end of the
4 5-year period following conveyance of the Property or until
5 substantial completion of the museum facility (whichever
6 is later), the Museum shall submit annual reports to the
7 Administrator and the Committees detailing the develop-
8 ment and construction activities of the Museum with re-
9 spect to this Act.

10 **TITLE VII—MONTANA FORESTS**
11 **Subtitle A—Montana Forest Jobs**
12 **and Restoration Initiative**

13 **SEC. 701. PURPOSE.**

14 The purpose of this subtitle is to establish an initia-
15 tive—

16 (1) to preserve and create local jobs in rural
17 communities that are located in or near National
18 Forest System land;

19 (2) to create an immediate, predictable, and in-
20 creased flow of wood fiber with commercial value to
21 support and maintain locally-based infrastructure
22 and economies that are necessary for the appro-
23 priate management and restoration of National For-
24 est System land;

25 (3) to promote cooperation and collaboration in
26 the management of National Forest System land;

1 (4) to restore and improve the ecological struc-
2 ture, composition, and function and the natural
3 processes of priority watersheds within the National
4 Forest System;

5 (5) to carry out collaborative projects to reduce
6 the risk of disturbances from fire, insects, and dis-
7 ease to communities, watersheds, and natural re-
8 sources through a collaborative process of planning,
9 prioritizing, and implementing ecological restoration
10 and hazardous fuel reduction projects; and

11 (6) to collect information from the projects car-
12 ried out under this subtitle in an effort to better un-
13 derstand the manner in which to improve forest res-
14 toration and management activities.

15 **SEC. 702. DEFINITIONS.**

16 In this subtitle:

17 (1) **AUTHORIZED FOREST AND WATERSHED**
18 **RESTORATION PROJECT.**—The term “authorized for-
19 est and watershed restoration project” means a col-
20 lection of activities within a watershed area that are
21 carried out—

22 (A) on eligible land; and

23 (B) to achieve the purposes of this subtitle.

24 (2) **DECOMMISSION.**—The term “decommis-
25 sion” means—

1 (A) to reestablish vegetation on a road or
2 trail; and

3 (B) to restore any natural drainage, water-
4 shed function, or other ecological processes that
5 are disrupted or adversely impacted by the road
6 or trail by removing or hydrologically dis-
7 connecting the road prism.

8 (3) ELIGIBLE LAND.—The term “eligible land”
9 means—

10 (A) land within the approximately
11 1,900,000 acres of land in the Beaverhead-
12 Deerlodge National Forest designated as “Suit-
13 able for Timber Production” and “Timber Har-
14 vest Is Allowed” as generally depicted on the
15 map entitled “Beaverhead-Deerlodge National
16 Forest, Revised Forest Plan, Modeled Timber
17 Harvest Classification” and dated December
18 10, 2008; and

19 (B)(i) land within the Three Rivers Ranger
20 District of the Kootenai National Forest; and

21 (ii) any land within the adjacent ranger
22 districts of the Kootenai National Forest that is
23 necessary to achieve the requirements of section
24 703(b).

1 (4) INFISH.—The term “INFISH” means the
2 land and resource management plan amendments
3 made before the date of enactment of this Act arising
4 from the document—

5 (A) entitled “Inland Native Fish Strategy”;
6

7 (B) published by the Department of Agriculture; and
8

9 (C) dated July 28, 1995.

10 (5) INITIATIVE.—The term “Initiative” means
11 the Montana Forest Jobs and Restoration Pilot Initiative
12 established by section 703(a).

13 (6) MECHANICAL TREATMENT.—

14 (A) IN GENERAL.—The term “mechanical
15 treatment” means an activity that uses a tool
16 to remove fiber that has commercial value to
17 local markets in the vicinity of the area treated.

18 (B) INCLUSIONS.—The term “mechanical
19 treatment” includes leaving fiber on the forest
20 floor after treatment with a tool, if an option
21 for removal of the fiber is provided.

22 (C) EXCLUSIONS.—The term “mechanical
23 treatment” excludes prescribed burning.

1 (7) SECRETARY.—The term “Secretary” means
2 the Secretary of Agriculture, acting through the
3 Chief of the Forest Service.

4 (8) STEWARDSHIP CONTRACT.—The term
5 “stewardship contract” means a contract authorized
6 under section 347 of the Omnibus Consolidated and
7 Emergency Supplemental Appropriations Act, 1999
8 (16 U.S.C. 2104 note; Public Law 105–277) to
9 carry out land management goals that meet local
10 and rural community needs through a source that is
11 selected on a best-value basis.

12 (9) WATERSHED AREA.—The term “watershed
13 area” means 1 or more subwatersheds (also known
14 as 6th code hydrologic units).

15 **SEC. 703. MONTANA FOREST JOBS AND RESTORATION**
16 **PILOT INITIATIVE.**

17 (a) ESTABLISHMENT.—There is established the Mon-
18 tana Forest Jobs and Restoration Pilot Initiative under
19 which the Secretary shall implement authorized forest and
20 watershed restoration projects and other land manage-
21 ment projects on eligible land to achieve—

22 (1) the performance requirements under sub-
23 section (b); and

24 (2) the purposes of this subtitle.

1 (b) PERFORMANCE REQUIREMENTS.—Subject to
2 subsection (g), on the eligible land, the Secretary shall
3 place under contract for the mechanical treatment of vege-
4 tation—

5 (1) on the Beaverhead-Deerlodge National For-
6 est, a minimum of 5,000 acres annually until the
7 date on which a total of 70,000 acres in the Na-
8 tional Forest have been placed under contract.; and

9 (2) on the Kootenai National Forest—

10 (A) 2,000 acres during the first year after
11 the date of enactment of this Act;

12 (B) 2,500 acres during the second year
13 after the date of enactment of this Act; and

14 (C) 3,000 acres during each subsequent
15 year until the date on which a total of 30,000
16 acres in the National Forest have been placed
17 under contract.

18 (c) COLLABORATION.—

19 (1) IN GENERAL.—For each National Forest
20 within the Initiative, the Secretary shall identify 1 or
21 more collaborative groups or resource advisory com-
22 mittees that support the achievement of the pur-
23 poses of this subtitle.

24 (2) COMPOSITION.—A collaborative group or re-
25 source advisory committee identified under para-

1 graph (1) shall include multiple interested persons
2 representing diverse interests in forest and water-
3 shed management.

4 (3) CONSULTATION.—The Secretary shall con-
5 sult with a collaborative group or resource advisory
6 committee identified under paragraph (1) in the de-
7 velopment and implementation of each authorized
8 forest and watershed restoration project carried out
9 under the Initiative.

10 (4) EXPANSION.—The Secretary shall seek to
11 expand the public participation and diversity of in-
12 terests involved in the implementation of the Initia-
13 tive in each National Forest participating in the Ini-
14 tiative.

15 (d) ADMINISTRATIVE REVIEW.—

16 (1) IN GENERAL.—The administrative review
17 provisions of section 105 of the Healthy Forests
18 Restoration Act of 2003 (16 U.S.C. 6515) shall
19 apply to any administrative review of authorized for-
20 est and watershed restoration projects carried out
21 under this subtitle.

22 (2) PROPOSED DECISION.—The Secretary shall
23 provide notice of, and distribute, a proposed admin-
24 istrative decision with the environmental assessment

1 or final environmental impact statement for any
2 project subject to review under paragraph (1).

3 (3) INDEPENDENT MEDIATOR.—If 1 or more of
4 the parties to a special administrative review process
5 under paragraph (1) requests a mediator to help fa-
6 cilitate the process, an independent mediator may be
7 used for the administrative review process.

8 (e) JUDICIAL REVIEW.—Any judicial proceeding aris-
9 ing from an authorized forest and watershed restoration
10 project shall be conducted in accordance with section 106
11 of the Healthy Forests Restoration Act of 2003 (16
12 U.S.C. 6516).

13 (f) REPORTS.—

14 (1) ANNUAL SUMMARY.—The Secretary shall
15 provide to the appropriate committees of Congress
16 an annual summary of the progress of the Initiative
17 toward accomplishing the purposes of this subtitle,
18 including the performance requirements established
19 under subsection (b).

20 (2) PROGRESS REPORT.—

21 (A) IN GENERAL.—Not later than 5 years
22 after the date of enactment of this Act and
23 every 5 years thereafter, the Secretary shall
24 submit to the appropriate committees of Con-
25 gress a report that assesses the progress of the

1 Initiative toward accomplishing the purposes of
2 this subtitle.

3 (B) INCLUSIONS.—The report under sub-
4 paragraph (A) shall include an analysis, with
5 respect to the Initiative, of—

6 (i) fire and fuel dynamics, including
7 changes in—

8 (I) condition and class; and

9 (II) fuel levels and distribution;

10 (ii) biodiversity, including the selec-
11 tion of plant, terrestrial animals, and
12 aquatic organisms;

13 (iii) soil and water, including soil
14 movement, water quality, stream flows,
15 and soil productivity;

16 (iv) economic effects, including job
17 creation, labor income, and energy; and

18 (v) social implications, including land
19 management practices, aesthetics, and atti-
20 tudes towards land use.

21 (C) DATA ANALYSIS.—In preparing the re-
22 port under this paragraph, the Secretary may
23 consult with regional institutions of higher edu-
24 cation and institutions with the capacity to co-

1 ordinate, analyze, and archive the data collected
2 as a result of monitoring under the Initiative.

3 (g) EFFECT ON OTHER FUNDS.—Amounts expended
4 under the Initiative shall not reduce the allocations of ap-
5 propriated funds to the Secretary for use in other regions
6 of the Forest Service or other States.

7 (h) EXPANSION OF INITIATIVE.—

8 (1) IN GENERAL.—The Secretary may elect to
9 include the Seeley Ranger District of the Lolo Na-
10 tional Forest in the Initiative, if—

11 (A) the Seeley Ranger District no longer
12 receives funding under section 4003(b)(1)(B) of
13 the Omnibus Public Land Management Act of
14 2009 (16 U.S.C. 7303(b)(1)(B)); and

15 (B) a local collaborative group for the Dis-
16 trict requests inclusion in the Initiative.

17 (2) REQUIREMENTS.—On the election by the
18 Secretary to include the Seeley Ranger District in
19 the Initiative, the requirements of the Initiative
20 under this subtitle shall apply to the District.

21 (i) TERMINATION DATE.—

22 (1) IN GENERAL.—The Initiative shall termi-
23 nate on the later of—

24 (A) the date that is 15 years after the date
25 of enactment of this Act; or

1 (B) the date on which the Secretary deter-
2 mines that the performance requirements under
3 subsection (b) have been achieved.

4 (2) EFFECT.—Nothing in this subsection af-
5 fects a valid contract in effect on the termination
6 date under paragraph (1).

7 **SEC. 704. AUTHORIZED FOREST AND WATERSHED RES-**
8 **TORATION PROJECTS.**

9 (a) IMPLEMENTATION.—

10 (1) IN GENERAL.—The Secretary shall annually
11 implement 1 or more authorized forest and water-
12 shed restoration projects on the eligible land.

13 (2) LANDSCAPE-SCALE PROJECTS.—The Sec-
14 retary shall implement in 1 or more watershed areas
15 authorized forest and watershed restoration projects
16 that provide landscape-scale work with the goal of
17 minimizing entries into the watershed.

18 (3) STEWARDSHIP CONTRACTS.—

19 (A) IN GENERAL.—To the maximum ex-
20 tent practicable, the Secretary shall enter into
21 stewardship contracts or agreements to carry
22 out authorized forest and watershed restoration
23 projects.

24 (B) STEWARDSHIP CONTRACT PRIOR-
25 ITIES.—In developing a stewardship contract

1 under subparagraph (A), the Secretary shall,
2 after consultation with the relevant collabo-
3 rative groups or resource advisory committees
4 identified under section 703(c)(1), prioritize
5 areas consistent with the priorities described in
6 paragraph (4).

7 (4) PRIORITY.—Consistent with the purposes of
8 this subtitle, the Secretary shall give priority to car-
9 rying out authorized forest and watershed restora-
10 tion projects in areas—

11 (A) in which the road density exceeds 1.5
12 miles per square mile;

13 (B) in the wildland-urban interface (as de-
14 fined in section 101 of the Healthy Forests
15 Restoration Act of 2003 (16 U.S.C. 6511)) that
16 are at risk of wildfire that threatens public in-
17 frastructure or private property;

18 (C) in which fish and wildlife habitat
19 connectivity is compromised as a result of past
20 management practices; and

21 (D) that contain forests that are at risk
22 from insect epidemics or high-severity wildfires.

23 (5) ENVIRONMENTAL REVIEW.—An environ-
24 mental review of authorized forest and watershed
25 restoration projects shall be carried out in accord-

1 ance with section 104 of the Healthy Forests Res-
2 toration Act of 2003 (16 U.S.C. 6515), except
3 that—

4 (A) the review shall also address—

5 (i) the activities necessary to meet the
6 purposes and requirements of this subtitle;

7 and

8 (ii) the site-specific impacts of an au-
9 thorized forest and watershed restoration
10 project;

11 (B) on signing of a record of decision or
12 finding of no significant impact for the author-
13 ized forest and watershed restoration project,
14 the Secretary shall implement the authorized
15 forest and watershed restoration project; and

16 (C) if the Secretary or a court determines
17 that additional review is warranted due to sig-
18 nificant new circumstances after implementa-
19 tion of an authorized forest and watershed res-
20 toration project has begun, the additional anal-
21 ysis shall not interrupt the implementation of
22 the activities that are not subject to the addi-
23 tional review, in accordance with the National
24 Environmental Policy Act of 1969 (42 U.S.C.
25 4321 et seq.).

1 (b) PROJECT REQUIREMENTS.—

2 (1) RIPARIAN HABITAT PROTECTION.—

3 (A) IN GENERAL.—Except as provided in
4 subparagraph (B), the Secretary shall comply
5 with INFISH in carrying out each authorized
6 forest and watershed restoration project.

7 (B) MODIFICATIONS.—The Secretary may
8 modify INFISH if the Secretary determines,
9 after taking into consideration the best avail-
10 able science, that the modifications would meet
11 or exceed the intent and goals of INFISH.

12 (2) ROADS.—In carrying out any authorized
13 forest and watershed restoration project under this
14 subtitle, the Secretary shall—

15 (A) not construct any permanent road, un-
16 less—

17 (i) the Secretary determines that the
18 road is a justifiable realignment of a per-
19 manent road to restore or improve the eco-
20 logical structure, composition, and function
21 and the natural processes of the affected
22 forest or watershed; and

23 (ii) the replaced road bed is decom-
24 missioned by removing the road prism; and

1 (B) decommission any temporary road con-
2 structed to carry out the land management
3 project by the conclusion of the contract.

4 (3) ROAD DENSITY.—

5 (A) IN GENERAL.—Except as provided in
6 subparagraph (B), the Secretary, at the conclu-
7 sion of an authorized forest and watershed res-
8 toration project, shall achieve a road density
9 maximum of 1.5 linear miles per square mile,
10 averaged over the watershed area.

11 (B) EXCEPTIONS.—Notwithstanding sub-
12 paragraph (A), the maximum road density pro-
13 vided in an applicable land management plan
14 shall apply if—

15 (i) the applicable land management
16 plan requires a road density maximum that
17 is less than that required under subpara-
18 graph (A); or

19 (ii) the authorized forest and water-
20 shed restoration project is carried out in
21 an area governed by an interagency grizzly
22 bear conservation plan.

23 (C) METHOD.—The road density estab-
24 lished under subparagraph (A) may be accom-
25 plished through a combination of decommis-

1 sioning and year-round permanent closure, ex-
2 cept that the Secretary shall prioritize for de-
3 commissioning any roads adversely affecting
4 water quality or fish habitat.

5 (4) VEGETATION MANAGEMENT.—The Sec-
6 retary shall design authorized forest and watershed
7 restoration projects to produce commercial and non-
8 commercial wood products, consistent with the pur-
9 poses of this subtitle.

10 **SEC. 705. MISCELLANEOUS.**

11 (a) IN GENERAL.—Except as otherwise provided in
12 this subtitle, the Secretary shall administer the National
13 Forests subject to the Initiative in accordance with appli-
14 cable law.

15 (b) AGENCY PARTICIPATION.—The Secretary may, in
16 accordance with applicable law, permit the Seeley Lake
17 District Ranger of the Lolo National Forest and the Lin-
18 coln District Ranger of the Helena National Forest to
19 serve in the official capacities of the districts on the Board
20 of Directors of the Blackfoot Challenge.

21 (c) BIOMASS.—To help improve forest restoration ac-
22 tivities by using and creating markets for small-diameter
23 material and low-valued trees removed from forest restora-
24 tion activities in the State, the Secretary may provide
25 grants through the Woody Biomass Utilization Grant Pro-

1 gram or any other biomass program in accordance with
2 applicable law.

3 **Subtitle B—Designation of Wilder-**
4 **ness and Special Management**
5 **Areas in Montana**

6 **SEC. 711. PURPOSES.**

7 The purposes of this subtitle are—

8 (1) to protect and enhance motorized rec-
9 reational opportunities in the Beaverhead-Deerlodge
10 National Forest, the Lolo National Forest, and the
11 Kootenai National Forest; and

12 (2) to protect and enhance the wild heritage
13 and backcountry traditions of the State through—

14 (A) the addition of certain land to the Na-
15 tional Wilderness Preservation System; and

16 (B) the management of other land in a
17 manner that preserves existing primitive and
18 semi-primitive recreational activities.

19 **SEC. 712. DEFINITIONS.**

20 In this subtitle:

21 (1) BEAVERHEAD-DEERLODGE NATIONAL FOR-
22 EST.—The term “Beaverhead-Deerlodge National
23 Forest” means the National Forest that is—

24 (A) comprised of—

1 (i) the Beaverhead National Forest;
2 and
3 (ii) the Deerlodge National Forest;
4 and
5 (B) managed by the Secretary concerned
6 as a single administrative unit.

7 (2) FOREST PLAN.—The term “forest plan”
8 means a land and resource management plan pre-
9 pared in accordance with section 6 of the Forest and
10 Rangeland Renewable Resources Planning Act of
11 1974 (16 U.S.C. 1604).

12 (3) SECRETARY CONCERNED.—The term “Sec-
13 retary concerned” means—

14 (A) the Secretary of Agriculture, acting
15 through the Chief of the Forest Service, with
16 respect to National Forest System land; and

17 (B) the Secretary of the Interior, with re-
18 spect to land managed by the Bureau of Land
19 Management (including land held for the ben-
20 efit of an Indian tribe).

21 (4) STATE.—The term “State” means the State
22 of Montana.

23 **SEC. 713. DESIGNATION OF WILDERNESS AREAS.**

24 (a) LAND ADMINISTERED BY THE FOREST SERV-
25 ICE.—In furtherance of the purposes of the Wilderness

1 Act (16 U.S.C. 1131 et seq.), the following areas in the
2 State are designated as wilderness areas and as compo-
3 nents of the National Wilderness Preservation System:

4 (1) ANACONDA PINTLAR WILDERNESS ADDI-
5 TIONS.—Certain land in the Beaverhead-Deerlodge
6 National Forest, comprising approximately 65,407
7 acres, as generally depicted on the map entitled
8 “Anaconda-Pintlar Wilderness Additions” and dated
9 September 13, 2010, is incorporated in, and shall be
10 considered to be a part of, the Anaconda-Pintlar
11 Wilderness.

12 (2) BOB MARSHALL WILDERNESS ADDITIONS.—
13 Certain land in the Lolo National Forest, comprising
14 approximately 40,072 acres generally depicted as the
15 “North Fork Blackfoot-Monture Creek Wilderness
16 Addition (Bob Marshall Addition)” and approxi-
17 mately 7,792 acres generally depicted as the “Griz-
18 zly Basin of the Swan Range Wilderness Addition”
19 on the map entitled “Bob Marshall, Mission Moun-
20 tains and Scapegoat Wilderness Additions and
21 Otatsy Recreation Management Area” and dated
22 September 13, 2010, is incorporated in, and shall be
23 considered to be a part of, the Bob Marshall Wilder-
24 ness designated by Public Law 92–395 (86 Stat.
25 578).

1 (3) DOLUS LAKES WILDERNESS.—Certain land
2 in the Beaverhead-Deerlodge National Forest, com-
3 prising approximately 9,407 acres, as generally de-
4 picted on the map entitled “Dolus Lakes Wilder-
5 ness” and dated September 13, 2010, which shall be
6 known as the “Dolus Lakes Wilderness”.

7 (4) EAST PIONEERS WILDERNESS.—Certain
8 land in the Beaverhead-Deerlodge National Forest,
9 comprising approximately 77,438 acres, as generally
10 depicted on the map entitled “East Pioneers Wilder-
11 ness” and dated September 13, 2010, which shall be
12 known as the “East Pioneers Wilderness”.

13 (5) ELECTRIC PEAK WILDERNESS.—Certain
14 land in the Beaverhead-Deerlodge National Forest,
15 comprising approximately 5,670 acres, as generally
16 depicted on the map entitled “Electric Peak Wilder-
17 ness and Thunderbolt Creek Recreation Manage-
18 ment Area” and dated September 13, 2010, which
19 shall be known as the “Electric Peak Wilderness”.

20 (6) HIGHLANDS WILDERNESS.—Certain land in
21 the Beaverhead-Deerlodge National Forest, com-
22 prising approximately 15,659 acres, as generally de-
23 picted on the map entitled “Highlands Wilderness
24 Area and Special Management Area” and dated

1 September 13, 2010, which shall be known as the
2 “Highlands Wilderness”.

3 (7) ITALIAN PEAKS WILDERNESS.—Certain
4 land in the Beaverhead-Deerlodge National Forest,
5 comprising approximately 29,677 acres, as generally
6 depicted on the map entitled “Italian Peaks Wilder-
7 ness” and dated September 13, 2010, which shall be
8 known as the “Italian Peaks Wilderness”.

9 (8) LEE METCALF WILDERNESS ADDITIONS.—
10 Certain land in the Beaverhead-Deerlodge National
11 Forest, comprising approximately 17,201 acres, as
12 generally depicted on the map entitled “Lee Metcalf
13 Wilderness Additions” and dated September 13,
14 2010, is incorporated in, and shall be considered to
15 be a part of, the Lee Metcalf Wilderness.

16 (9) LIMA PEAKS WILDERNESS.—Certain land in
17 the Beaverhead-Deerlodge National Forest, com-
18 prising approximately 35,012 acres, as generally de-
19 picted on the map entitled “Lima Peaks Wilderness”
20 and dated September 13, 2010, which shall be
21 known as the “Lima Peaks Wilderness”.

22 (10) MISSION MOUNTAINS WILDERNESS ADDI-
23 TION.—Certain land in the Lolo National Forest,
24 which comprises approximately 4,460 acres, as gen-
25 erally depicted as the “West Fork Clearwater Wil-

1 derness Addition” on the map entitled “Bob Mar-
2 shall, Mission Mountains and Scapegoat Wilderness
3 Additions and Otatsy Recreation Management Area”
4 and dated September 13, 2010, is incorporated in,
5 and shall be considered to be a part of, the Mission
6 Mountains Wilderness designated by Public Law 93-
7 632 (88 Stat. 2153).

8 (11) MOUNT JEFFERSON WILDERNESS.—Cer-
9 tain land in the Beaverhead-Deerlodge National For-
10 est, comprising approximately 4,465 acres, as gen-
11 erally depicted on the map entitled “Mount Jeffer-
12 son Wilderness” and dated September 13, 2010,
13 which shall be known as the “Mount Jefferson Wil-
14 derness”.

15 (12) QUIGG PEAK WILDERNESS.—Certain land
16 in the Beaverhead-Deerlodge National Forest, com-
17 prising approximately 8,275 acres, as generally de-
18 picted on the map entitled “Quigg Peak Wilderness”
19 and dated September 13, 2010, which shall be
20 known as the “Quigg Peak Wilderness”.

21 (13) RODERICK WILDERNESS.—Certain land in
22 the Kootenai National Forest, which comprises ap-
23 proximately 29,467 acres, as generally depicted as
24 the “Roderick Wilderness Area” on the map entitled
25 “Roderick Wilderness and Special Management Area

1 and Three Rivers Special Management Area” and
2 dated September 13, 2010, which shall be known as
3 the “Roderick Wilderness”.

4 (14) SAPPHIRES WILDERNESS.—Certain land in
5 the Beaverhead-Deerlodge National Forest, com-
6 prising approximately 43,101 acres, as generally de-
7 picted on the map entitled “Sapphires Wilderness”
8 and dated September 13, 2010, which shall be
9 known as the “Sapphires Wilderness”.

10 (15) SCAPEGOAT WILDERNESS ADDITIONS.—
11 Certain land in the Lolo National Forest, which
12 comprises approximately 30,967 acres, as generally
13 depicted as the “North Fork Blackfoot-Monture
14 Creek Wilderness Addition (Scapegoat Addition)” on
15 the map entitled “Bob Marshall, Mission Mountains
16 and Scapegoat Wilderness Additions and Otatsy
17 Recreation Management Area” and dated September
18 13, 2010, is incorporated in, and shall be considered
19 to be a part of, the Bob Marshall Wilderness des-
20 ignated by Public Law 92–395 (86 Stat. 578).

21 (16) SNOWCREST WILDERNESS.—Certain land
22 in the Beaverhead-Deerlodge National Forest, com-
23 prising approximately 91,561 acres, as generally de-
24 picted on the map entitled “Snowcrest Wilderness”

1 and dated September 13, 2010, which shall be
2 known as the “Snowcrest Wilderness”.

3 (17) STONY MOUNTAIN WILDERNESS.—Certain
4 land in the Beaverhead-Deerlodge National Forest,
5 comprising approximately 14,213 acres, as generally
6 depicted on the map entitled “Stony Mountain Wil-
7 derness” and dated September 13, 2010, which shall
8 be known as the “Stony Mountain Wilderness”.

9 (18) WEST BIG HOLE WILDERNESS.—Certain
10 land in the Beaverhead-Deerlodge National Forest,
11 comprising approximately 44,156 acres, as generally
12 depicted on the map entitled “West Big Hole Wil-
13 derness and Recreation Management Area” and
14 dated September 13, 2010, which shall be known as
15 the “West Big Hole Wilderness”.

16 (19) WEST PIONEERS WILDERNESS.—Certain
17 land in the Beaverhead-Deerlodge National Forest,
18 comprising approximately 26,560 acres, as generally
19 depicted on the map entitled “West Pioneers Wilder-
20 ness and Recreation Management Area” and dated
21 September 13, 2010, which shall be known as the
22 “West Pioneers Wilderness”.

23 (b) LAND ADMINISTERED BY THE BUREAU OF LAND
24 MANAGEMENT.—In furtherance of the purposes of the
25 Wilderness Act (16 U.S.C. 1131 et seq.), the following

1 areas in the State are designated as wilderness areas and
2 as components of the National Wilderness Preservation
3 System:

4 (1) BLACKTAIL MOUNTAINS WILDERNESS.—
5 Certain public land administered by the Bureau of
6 Land Management, comprising approximately
7 10,675 acres, as generally depicted on the map enti-
8 tled “Blacktail Mountains Wilderness” and dated
9 July 27, 2010, which shall be known as the
10 “Blacktail Mountains Wilderness”.

11 (2) CENTENNIAL MOUNTAINS WILDERNESS.—
12 Certain public land administered by the Bureau of
13 Land Management, comprising approximately
14 23,700 acres, as generally depicted on the map enti-
15 tled “Centennial Mountains Wilderness” and dated
16 July 27, 2010, which shall be known as the “Cen-
17 tennial Mountains Wilderness”.

18 (3) RUBY MOUNTAINS WILDERNESS.—Certain
19 public land administered by the Bureau of Land
20 Management, comprising approximately 16,300
21 acres, as generally depicted on the map entitled
22 “Ruby Mountains Wilderness” and dated July 27,
23 2010, which shall be known as the “Ruby Mountains
24 Wilderness”.

1 (4) EAST FORK BLACKTAIL WILDERNESS.—Cer-
2 tain public land administered by the Bureau of Land
3 Management, comprising approximately 6,125 acres,
4 as generally depicted on the map entitled “East
5 Fork Blacktail Wilderness” and dated July 27,
6 2010, which shall be known as the “East Fork
7 Blacktail Wilderness”.

8 (5) HUMBUG SPIRES WILDERNESS.—Certain
9 public land administered by the Bureau of Land
10 Management, comprising approximately 8,900 acres,
11 as generally depicted on the map entitled “Humbug
12 Spires Wilderness” and dated July 27, 2010, which
13 shall be known as the “Humbug Spires Wilderness”.

14 (c) TRANSFER OF ADMINISTRATIVE JURISDIC-
15 TION.—Administrative jurisdiction over certain public
16 land administered by the Bureau of Land Management,
17 comprising approximately 663 acres, as generally known
18 as “Farlin Creek Administrative Transfer” depicted on
19 the map entitled “East Pioneers Wilderness” and dated
20 September 13, 2010, is transferred to the Secretary of Ag-
21 riculture, and is incorporated in, and shall be considered
22 to be a part of, the East Pioneers Wilderness designated
23 by subsection (a)(3).

1 **SEC. 714. ADMINISTRATION OF WILDERNESS AREAS.**

2 (a) MANAGEMENT.—Subject to valid existing rights,
3 each area designated as wilderness by section 713 shall
4 be administered by the Secretary concerned in accordance
5 with the Wilderness Act (16 U.S.C. 1131 et seq.), except
6 that—

7 (1) any reference in that Act to the effective
8 date shall be considered to be a reference to the date
9 of enactment of this Act; and

10 (2) with respect to public land administered by
11 the Bureau of Land Management, any reference in
12 that Act to the Secretary of Agriculture shall be con-
13 sidered to be a reference to the Secretary of the In-
14 terior.

15 (b) MAPS AND LEGAL DESCRIPTIONS.—

16 (1) IN GENERAL.—As soon as practicable after
17 the date of enactment of this Act, the Secretary con-
18 cerned shall file a map and a legal description of
19 each wilderness area and potential wilderness area
20 designated by this section, with—

21 (A) the Committee on Energy and Natural
22 Resources of the Senate; and

23 (B) the Committee on Natural Resources
24 of the House of Representatives.

25 (2) FORCE OF LAW.—The maps and legal de-
26 scriptions filed under paragraph (1) shall have the

1 same force and effect as if included in this subtitle,
2 except that the Secretary concerned may correct ty-
3 pographical errors in the maps and legal descrip-
4 tions.

5 (3) PUBLIC AVAILABILITY.—Each map and
6 legal description filed under paragraph (1) shall be
7 on file and available for public inspection in the ap-
8 propriate offices of the Forest Service and the Bu-
9 reau of Land Management.

10 (c) INCORPORATION OF ACQUIRED LAND AND INTER-
11 ESTS.—Any land within the boundary of a wilderness area
12 designated by section 713 that is acquired by the United
13 States shall—

14 (1) become part of the wilderness area in which
15 the land is located; and

16 (2) be managed in accordance with this section,
17 the Wilderness Act (16 U.S.C. 1131 et seq.), and
18 any other applicable law.

19 (d) WITHDRAWAL.—Subject to valid existing rights,
20 the Federal land designated as wilderness by section 713
21 is withdrawn from all forms of—

22 (1) entry, appropriation, or disposal under the
23 public land laws;

24 (2) location, entry, and patent under the mining
25 laws; and

1 (3) disposition under all laws pertaining to min-
2 eral and geothermal leasing or mineral materials.

3 (e) FIRE, INSECTS, AND DISEASES.—In accordance
4 with section 4(d)(1) of the Wilderness Act (16 U.S.C.
5 1133(d)(1)), within the wilderness areas designated by
6 section 713, the Secretary concerned may take such meas-
7 ures as are necessary to control fire, insects, and diseases,
8 subject to such terms and conditions as the Secretary con-
9 cerned determines to be appropriate.

10 (f) ACCESS TO PRIVATE PROPERTY.—In accordance
11 with section 5(a) of the Wilderness Act (16 U.S.C.
12 1134(a)), the Secretary concerned shall provide any owner
13 of private property within the boundary of a wilderness
14 area designated by section 713 adequate access to the
15 property.

16 (g) FISH AND WILDLIFE.—

17 (1) IN GENERAL.—Nothing in this subtitle af-
18 fects the jurisdiction or responsibilities of the State
19 with respect to fish and wildlife, including the regu-
20 lation of hunting, fishing, and trapping.

21 (2) MANAGEMENT ACTIVITIES.—In furtherance
22 of the purposes and principles of the Wilderness Act
23 (16 U.S.C. 1131 et seq.), the Secretary concerned
24 may carry out management activities to maintain or
25 restore fish and wildlife populations (including ac-

1 activities to maintain and restore fish and wildlife
2 habitats to support the populations) in a wilderness
3 area designated by section 713 if the activities are—

4 (A) consistent with applicable wilderness
5 management plans; and

6 (B) carried out in accordance with applica-
7 ble guidelines and policies.

8 (h) SNOW SENSORS AND STREAM GAUGES.—Nothing
9 in this subtitle prevents the installation or maintenance
10 of hydrological, meteorological, or climatological instru-
11 mentation in a wilderness area designated by section 713
12 if the Secretary concerned determines that the installation
13 or maintenance of the instrumentation is necessary to fur-
14 ther the scientific, educational, or conservation purposes
15 of the wilderness area.

16 (i) LIVESTOCK.—Within the wilderness areas, the
17 grazing of livestock in which grazing is established before
18 the date of enactment of this Act shall be allowed to con-
19 tinue, subject to such reasonable regulations, policies, and
20 practices as the Secretary concerned determines to be nec-
21 essary, in accordance with—

22 (1) section 4(d)(4) of the Wilderness Act (16
23 U.S.C. 1131(d)(4));

24 (2) with respect to wilderness areas adminis-
25 tered by the Secretary of Agriculture, the guidelines

1 described in House Report 96–617 of the 96th Con-
2 gress; and

3 (3) with respect to wilderness areas adminis-
4 tered by the Secretary of the Interior, the guidelines
5 described in Appendix A of House Report 101–405
6 of the 101st Congress.

7 (j) OUTFITTING AND GUIDE ACTIVITIES.—

8 (1) IN GENERAL.—In accordance with section
9 4(d)(5) of the Wilderness Act (16 U.S.C.
10 1133(d)(5)), commercial services (including author-
11 ized outfitting and guide activities) within the wil-
12 derness areas designated by section 713 are author-
13 ized to the extent necessary for activities that are
14 proper for realizing the recreational or other wilder-
15 ness purposes of the wilderness areas.

16 (2) EFFECT.—Nothing in this subtitle requires
17 the Secretary concerned to modify permits in effect
18 as of the date of enactment of this Act to provide
19 outfitting and guide services within the areas des-
20 igned as wilderness by section 713, if the Sec-
21 retary concerned determines that the activities are
22 consistent with administration of the areas as wil-
23 derness.

24 (k) ADJACENT MANAGEMENT.—

1 (1) IN GENERAL.—The designation of a wilder-
2 ness area by section 713 shall not create any protec-
3 tive perimeter or buffer zone around the wilderness
4 area.

5 (2) NONWILDERNESS ACTIVITIES.—The fact
6 that nonwilderness activities or uses can be seen or
7 heard from areas within a wilderness area des-
8 ignated by section 713 shall not preclude the con-
9 duct of the activities or uses outside the boundary
10 of the wilderness area.

11 (l) WATER IMPOUNDMENT STRUCTURES.—

12 (1) IN GENERAL.—The Secretary concerned
13 may issue a special use authorization to an owner of
14 a water storage, transport, or diversion facility lo-
15 cated within the areas designated as wilderness by
16 section 713 for the continued operation, mainte-
17 nance, and reconstruction of the facility if—

18 (A) the facility was in existence before the
19 date of the designation of the wilderness area;
20 and

21 (B) the Secretary concerned determines
22 that—

23 (i) the facility has been in substan-
24 tially continuous use to deliver water for
25 the beneficial use on the non-Federal land

1 of the owner since the date of the designa-
2 tion of the wilderness area;

3 (ii) the owner of the facility holds a
4 valid water right for use of the water
5 under State law, with a priority date that
6 predates the date of the designation of the
7 wilderness area; and

8 (iii) it is not practicable or feasible to
9 relocate the facility to land outside the
10 boundary of the wilderness and continue
11 the beneficial use of water on the non-Fed-
12 eral land recognized under State law.

13 (2) USE OF MOTORIZED EQUIPMENT AND
14 MECHANIZED TRANSPORT.—The special use author-
15 ization under paragraph (1) may allow for the use
16 of motorized equipment and mechanized transport if
17 the Secretary concerned determines, after con-
18 ducting a minimum tool analysis, that the use of
19 nonmotorized equipment and nonmechanized trans-
20 port is impracticable or infeasible.

21 (3) TERMS AND CONDITIONS.—The Secretary
22 concerned may include such terms and conditions in
23 the special use authorization under paragraph (1) as
24 the Secretary concerned determines appropriate to
25 protect the wilderness values of the area.

1 (m) SNOWCREST WILDERNESS AREA.—With respect
2 to the Snowcrest Wilderness Area—

3 (1) the continuation of reasonable motorized ac-
4 cess to maintain water infrastructure for cattle that
5 was constructed to protect fluvial Arctic Grayling
6 and other aquatic species in the Ruby River may
7 continue—

8 (A) subject to a permit; and

9 (B) in accordance with—

10 (i) section 4(d)(4) of the Wilderness
11 Act (16 U.S.C. 1133(d)(4)); and

12 (ii) the guidelines described in House
13 Report 96-617 of the 96th Congress; and

14 (2) the trailing of sheep across the Snowcrest
15 Wilderness area to reach existing grazing allotments
16 in the Gravelly Mountains may be continued for the
17 tenure of the allotments—

18 (A) subject to—

19 (i) a permit; and

20 (ii) a determination by the Secretary
21 of Agriculture (acting through the Forest
22 Supervisor) that the use of nonmechanized
23 transport is impracticable or infeasible;
24 and

1 (B) to the maximum extent practicable, in
2 accordance with the guidelines described in
3 House Report 96–617 of the 96th Congress.

4 **SEC. 715. RELEASE OF BUREAU OF LAND MANAGEMENT**
5 **STUDY AREAS.**

6 (a) FINDING.—Congress finds that, for purposes of
7 section 603 of the Federal Land Policy and Management
8 Act of 1976 (43 U.S.C. 1782), any portion of a wilderness
9 study area described in subsection (b) that is not des-
10 ignated as a wilderness area by section 713 or any other
11 Act enacted before the date of enactment of this Act has
12 been adequately studied for wilderness.

13 (b) DESCRIPTION OF STUDY AREAS.—The study
14 areas referred to in subsection (a) are—

15 (1) the Axolotl Lakes Wilderness Study Area;

16 (2) the Bell and Limekiln Canyons Wilderness
17 Study Area;

18 (3) the Blacktail Mountains Wilderness Study
19 Area;

20 (4) the Centennial Mountains Wilderness Study
21 Area;

22 (5) the Farlin Creek Wilderness Study Area;

23 (6) the Henneberry Ridge Wilderness Study
24 Area;

25 (7) the Hidden Pasture Wilderness Study Area;

1 (8) the Humbug Spires Wilderness Study Area;
2 and
3 (9) the Ruby Mountains Wilderness Study
4 Area.

5 (c) RELEASE.—Any study area described in sub-
6 section (b) that is not designated as a wilderness area by
7 section 713—

8 (1) is no longer subject to section 603(c) of the
9 Federal Land Policy and Management Act of 1976
10 (43 U.S.C. 1782(c)); and

11 (2) shall be managed in accordance with the ap-
12 plicable land management plans adopted under sec-
13 tion 202 of that Act (43 U.S.C. 1712).

14 **SEC. 716. RELEASE OF SAPPHIRE AND WEST PIONEER WIL-**
15 **DERNESS STUDY AREAS.**

16 (a) FINDINGS.—Congress finds that—

17 (1) the studies conducted under section 2 of the
18 Montana Wilderness Study Act of 1977 (Public Law
19 95–150; 91 Stat. 1243) regarding each study area
20 described in subsection (b) are adequate for the con-
21 sideration of the suitability of each study area for
22 inclusion as a component of the National Wilderness
23 Preservation System; and

24 (2) the Secretary of Agriculture is not re-
25 quired—

1 (A) to review the wilderness option for
2 each study area described in subsection (b)
3 prior to the revision of the forest plan required
4 for each land that comprises each study area in
5 accordance with the Forest and Rangeland Re-
6 newable Resources Planning Act of 1974 (16
7 U.S.C. 1600 et seq.); and

8 (B) to manage the portion of each study
9 area described in subsection (b) that is not des-
10 ignated as wilderness by section 713 to ensure
11 the suitability of the area for designation as a
12 component of the National Wilderness Preser-
13 vation System pending revision of the applicable
14 forest plan.

15 (b) DESCRIPTION OF STUDY AREAS.—The study
16 areas referred to in subsection (a) are those portions of
17 the following wilderness study areas which are not des-
18 ignated as wilderness by section 713:

19 (1) The Sapphire Wilderness Study Area, as de-
20 scribed in section 2(4) of the Montana Wilderness
21 Study Act of 1977 (Public Law 95–150; 91 Stat.
22 1243).

23 (2) The West Pioneer Wilderness Study Area,
24 as described in section 2(1) of the Montana Wilder-

1 ignated as the “Lost Creek Recreation Management
2 Area”.

3 (3) OTATSY RECREATION MANAGEMENT
4 AREA.—Certain Federal land in the Lolo National
5 Forest, comprising approximately 1,859 acres, as
6 generally depicted on the map entitled “Bob Mar-
7 shall, Mission Mountains and Scapegoat Wilderness
8 Additions and Otatsy Recreation Management Area”
9 and dated September 13, 2010, which is designated
10 as the “Otatsy Recreation Management Area”.

11 (4) RODERICK SPECIAL MANAGEMENT AREA.—
12 Certain Federal land in the Kootenai National For-
13 est, comprising approximately 3,715 acres, as gen-
14 erally depicted on the map entitled “Roderick Wil-
15 derness and Special Management Area and Three
16 Rivers Special Management Area” and dated Sep-
17 tember 13, 2010, which is designated as the “Rod-
18 erick Special Management Area”.

19 (5) THREE RIVERS SPECIAL MANAGEMENT
20 AREA.—Certain Federal land in the Kootenai Na-
21 tional Forest, comprising approximately 71,994
22 acres, as generally depicted on the map entitled
23 “Roderick Wilderness and Special Management Area
24 and Three Rivers Special Management Area” and

1 dated September 13, 2010, which is designated as
2 the “Three Rivers Special Management Area”.

3 (6) THUNDERBOLT CREEK RECREATION MAN-
4 AGEMENT AREA.—Certain Federal land in the Bea-
5 verhead-Deerlodge National Forest, comprising ap-
6 proximately 19,641 acres, as generally depicted on
7 the map entitled “Electric Peak Wilderness and
8 Thunderbolt Creek Recreation Management Area”
9 and dated September 13, 2010, which is designated
10 as the “Thunderbolt Recreation Management Area”.

11 (7) TOBACCO ROOTS RECREATION MANAGE-
12 MENT AREA.—Certain Federal land in the Beaver-
13 head-Deerlodge National Forest, comprising approxi-
14 mately 29,186 acres, as generally depicted on the
15 map entitled “Tobacco Roots Recreation Manage-
16 ment Area” and dated September 13, 2010, which
17 is designated as the “Tobacco Roots Recreation
18 Management Area”.

19 (8) WEST BIG HOLE RECREATION MANAGE-
20 MENT AREA.—Certain Federal land in the Beaver-
21 head-Deerlodge National Forest comprising approxi-
22 mately 95,144 acres, as generally depicted on the
23 map entitled “West Big Hole Wilderness and Recre-
24 ation Management Area” and dated September 13,

1 2010, which is designated as the “West Big Hole
2 Recreation Management Area”.

3 (9) WEST PIONEERS RECREATION MANAGE-
4 MENT AREA.—Certain Federal land in the Beaver-
5 head-Deerlodge National Forest, comprising approxi-
6 mately 128,361 acres, as generally depicted on the
7 map entitled “West Pioneers Wilderness and Recre-
8 ation Management Area” and dated September 13,
9 2010, which is designated as the “West Pioneers
10 Recreation Management Area”.

11 (b) ADMINISTRATION.—

12 (1) APPLICABLE LAW.—

13 (A) IN GENERAL.—The Secretary con-
14 cerned shall administer each area designated by
15 subsection (a)—

16 (i) in furtherance of the purposes for
17 which the area is established; and

18 (ii) in accordance with—

19 (I) this section; and

20 (II) any laws (including regula-
21 tions) relating to the National Forest
22 System.

23 (B) CLOSURE OF TRAILS.—Nothing in this
24 subtitle precludes the Secretary concerned from

1 closing any trail or area located in the areas
2 designated by subsection (a)—

3 (i) to protect a natural resource; or

4 (ii) to help ensure public safety.

5 (2) WITHDRAWAL.—Subject to valid existing
6 rights, any Federal land within an area designated
7 by subsection (a) (including any Federal land ac-
8 quired after the date of enactment of this Act for in-
9 clusion in an area designated by subsection (a)) is
10 withdrawn from all forms of—

11 (A) entry, appropriation, or disposal under
12 the public land laws;

13 (B) location, entry, and patent under the
14 mining laws; and

15 (C) disposition under all laws pertaining to
16 mineral and geothermal leasing or mineral ma-
17 terials.

18 (3) TIMBER HARVESTING.—

19 (A) IN GENERAL.—Except as provided in
20 subparagraph (B) or as authorized under sub-
21 section (c), timber harvesting shall not be per-
22 mitted within an area designated by subsection
23 (a).

24 (B) FIRE, INSECTS, AND DISEASES.—Tim-
25 ber harvesting may be permitted in an area des-

1 ignated by subsection (a) to the extent allowed
2 under section 4(d)(1) of the Wilderness Act (16
3 U.S.C. 1133(d)(1)) for purposes relating to the
4 necessary control of fire, insects, and diseases.

5 (4) USE OF MOTORIZED OR MECHANIZED VEHI-
6 CLES.—

7 (A) IN GENERAL.—Nothing in this section
8 affects the use of motorized or mechanized vehi-
9 cles that the Secretary concerned determines is
10 necessary for administrative use or to respond
11 to an emergency.

12 (B) MECHANIZED VEHICLES, PEDES-
13 TRIANS, AND HORSE TRAVEL.—Except as au-
14 thorized under subsection (c), nothing in this
15 section prohibits—

16 (i) the use of mechanized vehicles, ac-
17 cess by pedestrians, or horse travel within
18 the areas designated by subsection (a); or

19 (ii) the construction of trails for use
20 by mechanized vehicles, pedestrians, and
21 horse travel within the areas designated by
22 subsection (a).

23 (5) FIREWOOD.—The Secretary concerned may
24 allow for the collection of firewood for noncommer-

1 cial personal use within the areas designated by sub-
2 section (a)—

3 (A) in accordance with any applicable laws;

4 and

5 (B) subject to such terms and conditions
6 as the Secretary concerned determines to be ap-
7 propriate.

8 (c) AREA SPECIFIC MANAGEMENT REQUIRE-
9 MENTS.—

10 (1) HIGHLANDS SPECIAL MANAGEMENT
11 AREA.—

12 (A) CAMPGROUND DEVELOPMENT.—No
13 permanent campground may be constructed
14 within the Highlands Special Management
15 Area.

16 (B) MOTORIZED AND MECHANIZED RECRE-
17 ATION.—Except as provided in subparagraph
18 (C), and as necessary for administrative use or
19 to respond to an emergency, the use of motor-
20 ized or mechanized vehicles within the High-
21 lands Special Management Area shall be pro-
22 hibited.

23 (C) TRANSMISSION TOWERS AND MUNIC-
24 IPAL WATER PIPELINES.—Nothing in this sec-
25 tion affects—

1 (i) the reasonable access of the gov-
2 ernment of the applicable county to oper-
3 ate and maintain the communication site
4 located on Table Mountain under a special
5 use permit issued by the Forest Service;
6 and

7 (ii) the reasonable access of the city of
8 Butte, Montana, to operate, maintain, and
9 if necessary, upgrade the water supply
10 pipeline within the Highlands Special Man-
11 agement Area in existence as of the date of
12 enactment of this Act for the city of Butte
13 (including the surrounding community of
14 the city of Butte).

15 (D) HELICOPTER LANDINGS.—Nothing in
16 this section precludes or restricts the authority
17 of the Secretary concerned to enter into agree-
18 ments with the Secretary of Defense or the
19 Montana National Guard to authorize limited
20 and scheduled landings of aircraft in the High-
21 lands Special Management Area.

22 (2) LOST CREEK, THUNDERBOLT, AND WEST
23 PIONEERS RECREATION MANAGEMENT AREAS.—

24 (A) MOTORIZED RECREATION.—Subject to
25 any terms and conditions the Secretary con-

1 cerned determines to be necessary, the use of
2 motorized vehicles within the Lost Creek, Thun-
3 derbolt, and West Pioneers Recreation Manage-
4 ment Areas shall be limited to—

5 (i) the routes and trails designated for
6 such use as of the date of enactment of
7 this Act; and

8 (ii) during periods of adequate snow
9 cover, the areas designated for snowmobile
10 use as of the date of enactment of this Act.

11 (B) CAMPGROUND DEVELOPMENT.—No
12 permanent campground may be constructed
13 within the Lost Creek Recreation Area.

14 (3) OTATSY RECREATION MANAGEMENT
15 AREA.—

16 (A) MOTORIZED AND MECHANIZED RECRE-
17 ATION.—

18 (i) IN GENERAL.—The use of motor-
19 ized and mechanized vehicles in the Otatsy
20 Recreation Management Area shall be per-
21 mitted only on the roads, trails, and areas
22 designated for use by motorized and
23 mechanized vehicles by the management
24 plan required under subparagraph (B).

1 (ii) INTERIM MANAGEMENT.—Until
2 the date on which the management plan
3 required under subparagraph (B) is ap-
4 proved, and subject to any terms and con-
5 ditions that the Secretary concerned deter-
6 mines to be necessary, the use of motorized
7 or mechanized vehicles in the Otatsy
8 Recreation Management Area shall be lim-
9 ited to the routes and trails designated for
10 such use as of the date of enactment of
11 this Act, except that during periods of ade-
12 quate snow cover, the use of snowmobiles
13 shall be allowed within the Otatsy Recre-
14 ation Management Area.

15 (B) MANAGEMENT PLAN.—The Secretary
16 concerned shall prepare a management plan for
17 the Otatsy Recreation Management Area as
18 part of the first revision of the applicable forest
19 plan that is carried out after the date of enact-
20 ment of this Act.

21 (4) THREE RIVERS AND RODERICK SPECIAL
22 MANAGEMENT AREAS.—

23 (A) MOTORIZED AND MECHANIZED RECRE-
24 ATION.—Except as provided in subparagraphs
25 (B) and (C), the use of motorized or mecha-

1 nized vehicles within the Three Rivers Special
2 Management Area and the Roderick Special
3 Management Area shall be limited to the roads
4 on which use by highway legal vehicles is per-
5 mitted as of the date of enactment of this Act.

6 (B) SNOWMOBILE AREA.—Subject to any
7 terms and conditions the Secretary concerned
8 determines to be necessary, the use of snowmo-
9 biles shall be allowed in the areas designated as
10 “motorized” in the map entitled “Roderick Wil-
11 derness and Special Management Area and
12 Three Rivers Special Management Area” and
13 dated September 13, 2010.

14 (C) GAME CARTS.—The Secretary con-
15 cerned may authorize the use of nonmotorized
16 game carts in the area identified as “Roderick
17 Special Management Area” on the map de-
18 scribed in subparagraph (B).

19 (D) CAMPGROUND DEVELOPMENT.—No
20 permanent campground may be constructed in
21 the Three Rivers Special Management Area or
22 the Roderick Special Management Area.

23 (5) TOBACCO ROOTS RECREATION MANAGE-
24 MENT AREA.—Subject to any terms and conditions
25 that the Secretary concerned determines to be nec-

1 essary, the use of motorized vehicles shall be limited
2 to the roads, routes, and trails in the Tobacco Roots
3 Recreation Management Area designated for such
4 use as of the date of enactment of this Act.

5 (6) WEST BIG HOLE RECREATION MANAGE-
6 MENT AREA.—

7 (A) MOTORIZED RECREATION.—Subject to
8 any terms and conditions that the Secretary
9 concerned determines to be necessary, motor-
10 ized use shall be permitted on approved des-
11 ignated, routes, trails, and areas in the West
12 Big Hole Recreation Management Area, includ-
13 ing the use of snowmobiles during periods of
14 adequate snow cover.

15 (B) TIMBER HARVEST.—The Secretary
16 concerned may authorize post and pole, fire-
17 wood, and fuel reduction timber projects in the
18 West Big Hole Recreation Management Area,
19 subject to such terms and conditions that the
20 Secretary concerned determines to be appro-
21 priate.

22 **SEC. 718. ALL TERRAIN VEHICLE STUDY AND REPORT.**

23 Not later than 1 year after the date of enactment
24 of this Act, the Secretary concerned shall study and report
25 on—

1 (1) the opportunities for expanded all-terrain
2 vehicles routes and trails across the Three Rivers
3 District and adjacent areas on the Kootenai Na-
4 tional Forest;

5 (2) the interconnectedness of routes on private
6 or State land; and

7 (3) the opportunities for expanded access points
8 to existing trails.

9 This division may be cited as the “Department of the
10 Interior, Environment, and Related Agencies Appropria-
11 tions Act, 2011”.

12 **DIVISION H—DEPARTMENTS OF LABOR,**
13 **HEALTH AND HUMAN SERVICES, AND**
14 **EDUCATION, AND RELATED AGENCIES**
15 **APPROPRIATIONS ACT, 2011**

16 TITLE I

17 DEPARTMENT OF LABOR

18 EMPLOYMENT AND TRAINING ADMINISTRATION

19 TRAINING AND EMPLOYMENT SERVICES

20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses of the Workforce Investment
22 Act of 1998 (“WIA”), the Second Chance Act of 2007,
23 and the Women in Apprenticeship and Non-Traditional
24 Occupations Act of 1992, including the purchase and hire
25 of passenger motor vehicles, the construction, alteration,

1 and repair of buildings and other facilities, and the pur-
2 chase of real property for training centers as authorized
3 by the WIA; \$3,861,457,000, plus reimbursements, shall
4 be available. Of the amounts provided:

5 (1) for grants to States for adult employment
6 and training activities, youth activities, dislocated
7 worker employment and training activities, and for
8 workforce innovation activities, \$3,110,380,000 as
9 follows:

10 (A) \$891,540,000 for adult employment
11 and training activities, of which not more than
12 \$30,000,000, shall be available for workforce
13 innovation activities to carry out projects au-
14 thorized under section 171(b) of the WIA that
15 demonstrate innovative strategies or replicate
16 effective evidence-based strategies that align
17 and strengthen the workforce investment sys-
18 tem in order to improve program delivery and
19 education and employment outcomes for pro-
20 gram beneficiaries, and of which \$179,540,000
21 shall be available for the period July 1, 2011,
22 through June 30, 2012, and of which
23 \$712,000,000 shall be available for the period
24 October 1, 2011 through June 30, 2012;

1 (B) \$985,000,000 for youth activities,
2 which shall be available for the period April 1,
3 2011 through June 30, 2012; and of which not
4 more than \$85,000,000 shall be for workforce
5 innovation activities to carry out projects au-
6 thorized under section 171(b) of the WIA that
7 demonstrate innovative strategies or replicate
8 effective evidence-based strategies that align
9 and strengthen the workforce investment sys-
10 tem in order to improve program delivery and
11 education and employment outcomes for youth:
12 *Provided,* That notwithstanding section
13 128(a)(1) of the WIA, the amount available to
14 the Governor for statewide activities shall not
15 exceed 10 percent of the amount allotted to the
16 State from the appropriation under this sub-
17 paragraph: *Provided further,* That of the funds
18 reserved in this subparagraph for workforce in-
19 novation activities not less than 30 percent
20 shall be for projects providing summer employ-
21 ment activities for youth; and

22 (C) \$1,233,840,000 for dislocated worker
23 employment and training activities, of which
24 not more than \$50,000,000 shall be for work-
25 force innovation activities to carry out projects

1 authorized under section 171(b) of the WIA
2 that demonstrate innovative strategies or rep-
3 licate effective evidence-based strategies that
4 align and strengthen the workforce investment
5 system in order to improve program delivery
6 and education and employment outcomes for
7 program beneficiaries, and of which
8 \$373,840,000 shall be available for the period
9 July 1, 2011 through June 30, 2012, and of
10 which \$860,000,000 shall be available for the
11 period October 1, 2011 through June 30, 2012:

12 *Provided*, That with respect to a local board's trans-
13 fer authority, section 133(b)(4) of the WIA shall be
14 applied by substituting "30 percent" for "20 per-
15 cent" each place the term appears in such section:

16 *Provided further*, That a local board may award a
17 contract to an institution of higher education or
18 other eligible training provider if the local board de-
19 termines that it would facilitate the training of mul-
20 tiple individuals in high-demand occupations, if such
21 contract does not limit customer choice: *Provided*
22 *further*, That projects carried out with funds avail-
23 able for workforce innovation activities shall not be
24 subject to the requirements of section 171(b)(2)(B)
25 of the WIA and shall be administered by the Sec-

1 retary of Labor in cooperation with the Secretary of
2 Education and, as appropriate, other heads of de-
3 partments and agencies: *Provided further*, That of
4 the funds available for workforce innovation activi-
5 ties, not more than 5 percent shall be for technical
6 assistance and evaluations related to the projects
7 carried out with these funds;

8 (2) for federally administered programs,
9 \$480,038,000 as follows:

10 (A) \$229,160,000 for the dislocated work-
11 ers assistance national reserve, of which
12 \$29,160,000 shall be available for the period
13 July 1, 2011 through June 30, 2012, and of
14 which \$200,000,000 shall be available for the
15 period October 1, 2011 through June 30, 2012:
16 *Provided*, That funds provided to carry out sec-
17 tion 132(a)(2)(A) of the WIA may be used to
18 provide assistance to a State for State-wide or
19 local use in order to address cases where there
20 have been worker dislocations across multiple
21 sectors or across multiple local areas and such
22 workers remain dislocated; coordinate the State
23 workforce development plan with emerging eco-
24 nomic development needs; and train such eligi-
25 ble dislocated workers: *Provided further*, That

1 funds provided to carry out section 171(d) of
2 the WIA may be used for demonstration
3 projects that provide assistance to new entrants
4 in the workforce and incumbent workers: *Pro-*
5 *vided further*, That none of the funds shall be
6 obligated to carry out section 173(e) of the
7 WIA;

8 (B) \$55,000,000 for Native American pro-
9 grams, which shall be available for the period
10 July 1, 2011 through June 30, 2012;

11 (C) \$87,378,000 for migrant and seasonal
12 farmworker programs under section 167 of the
13 WIA, including \$80,968,000 for formula grants
14 (of which not less than 70 percent shall be for
15 employment and training services), \$5,900,000
16 for migrant and seasonal housing (of which not
17 less than 70 percent shall be for permanent
18 housing), and \$510,000 for other discretionary
19 purposes, which shall be available for the period
20 July 1, 2011 through June 30, 2012: *Provided*,
21 That notwithstanding any other provision of
22 law or related regulation, the Department of
23 Labor shall take no action limiting the number
24 or proportion of eligible participants receiving

1 related assistance services or discouraging
2 grantees from providing such services;

3 (D) \$1,000,000 for carrying out the
4 Women in Apprenticeship and Nontraditional
5 Occupations Act, which shall be available for
6 the period July 1, 2011 through June 30,
7 2012; and

8 (E) \$107,500,000 for YouthBuild activities
9 as described in section 173A of the WIA, which
10 shall be available for the period April 1, 2011
11 through June 30, 2012;

12 (3) for national activities, \$271,039,000 as fol-
13 lows:

14 (A) \$94,689,000 for Pilots, Demonstra-
15 tions, and Research, which shall be available for
16 the period April 1, 2011 through June 30,
17 2012, of which \$40,000,000 shall be for Transi-
18 tional Jobs activities, and shall not be subject
19 to the requirements of section 171(b)(2)(B) or
20 171(c)(4)(D) of the WIA, and that up to 10
21 percent of the amount available for Transitional
22 Jobs activities may be used for evaluation of
23 such projects or transferred to the Department
24 of Health and Human Services and/or the De-
25 partment of Justice for support of Transitional

1 Jobs activities; and of which \$48,133,000 shall
2 be used for the projects, and in the amounts, as
3 specified in the explanatory statement described
4 in section 4 (in the matter preceding division A
5 of this consolidated Act): *Provided*, That fund-
6 ing provided to carry out such projects shall not
7 be subject to the requirements of sections
8 171(b)(2)(B) and 171(c)(4)(D) of the WIA, the
9 joint funding requirements of sections
10 171(b)(2)(A) and 171(c)(4)(A) of the WIA, or
11 any time limit requirements of sections
12 171(b)(2)(C) and 171(c)(4)(B) of the WIA;

13 (B) \$55,000,000 for activities that prepare
14 workers for careers in energy efficiency and re-
15 newable energy as described in section
16 171(e)(1)(B) of the WIA, under the authority
17 of section 171 of the WIA, which shall be avail-
18 able for the period July 1, 2011 through June
19 30, 2012, and which shall not be subject to the
20 requirements of section 171(b)(2)(B) or
21 171(c)(4)(D);

22 (C) \$98,000,000 for ex-offender activities,
23 under the authority of section 171 of the WIA
24 and section 212 of the Second Chance Act of
25 2007, which shall be available for the period

1 April 1, 2011 through June 30, 2012, notwith-
2 standing the requirements of section
3 171(b)(2)(B) or 171(c)(4)(D) of the WIA;

4 (D) \$9,600,000 for Evaluation, which shall
5 be available for the period July 1, 2011 through
6 June 30, 2012; and

7 (E) \$13,750,000 for the Workforce Data
8 Quality Initiative, under the authority of section
9 171(c)(2) of the WIA, which shall be available
10 for the period July 1, 2011 through June 30,
11 2012, and which shall not be subject to the re-
12 quirements of section 171(c)(4)(D).

13 OFFICE OF JOB CORPS

14 (INCLUDING TRANSFER OF FUNDS)

15 To carry out subtitle C of title I of the Workforce
16 Investment Act of 1998, including Federal administrative
17 expenses, the purchase and hire of passenger motor vehi-
18 cles, the construction, alteration and repairs of buildings
19 and other facilities, and the purchase of real property for
20 training centers as authorized by the Workforce Invest-
21 ment Act; \$1,719,125,000, plus reimbursements, as fol-
22 lows:

23 (1) \$1,584,015,000 for Job Corps Operations,
24 of which \$993,015,000 shall be available for obliga-
25 tion for the period July 1, 2011 through June 30,

1 2012 and of which \$591,000,000 shall be available
2 for obligation for the period October 1, 2011
3 through June 30, 2012;

4 (2) \$104,250,000 for construction, rehabilita-
5 tion and acquisition of Job Corps Centers, of which
6 \$4,250,000 shall be available for the period July 1,
7 2011 through June 30, 2014 and \$100,000,000
8 shall be available for the period October 1, 2011
9 through June 30, 2014: *Provided*, That the Sec-
10 retary of Labor may transfer up to 25 percent of
11 such funds to meet the operational needs of such
12 centers: *Provided further*, That any funds trans-
13 ferred pursuant to the preceding proviso shall not be
14 available for obligation after June 30, 2012; and

15 (3) \$30,860,000 for necessary expenses of the
16 Office of Job Corps shall be available for obligation
17 for the period October 1, 2010 through September
18 30, 2011:

19 *Provided*, That no funds from any other appropriation
20 shall be used to provide meal services at or for Job Corps
21 centers.

22 COMMUNITY SERVICE EMPLOYMENT FOR OLDER
23 AMERICANS

24 To carry out title V of the Older Americans Act of
25 1965 (“OAA”), \$620,425,000, which shall be available for

1 the period July 1, 2011 through June 30, 2012: *Provided*,
2 That funds made available under this heading may, in ac-
3 cordance with section 517(c) of the OAA, be recaptured
4 and reobligated.

5 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

6 For payments during fiscal year 2011 of trade ad-
7 justment benefit payments and allowances under part I
8 of subchapter B of chapter 2 of title II of the Trade Act
9 of 1974, and section 246 of that Act; and for training,
10 employment and case management services, allowances for
11 job search and relocation, and related State administrative
12 expenses under part II of subchapter B of chapter 2 of
13 title II of the Trade Act of 1974, including benefit pay-
14 ments, allowances, training, and related State administra-
15 tion provided pursuant to paragraphs (1) and (2) of sec-
16 tion 1891(b) of the Trade and Globalization Adjustment
17 Assistance Act of 2009, \$1,938,200,000, together with
18 such amounts as may be necessary to be charged to the
19 subsequent appropriation for payments for any period sub-
20 sequent to September 15, 2011.

21 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT

22 SERVICE OPERATIONS

23 For authorized administrative expenses,
24 \$89,403,000, together with not to exceed \$4,168,924,000
25 which may be expended from the Employment Security

1 Administration Account in the Unemployment Trust Fund
2 (“the Trust Fund”), of which:

3 (1) \$3,390,079,000 from the Trust Fund is for
4 grants to States for the administration of State un-
5 employment insurance laws as authorized under title
6 III of the Social Security Act (including
7 \$65,000,000 to conduct in-person re-employment
8 and eligibility assessments and unemployment insur-
9 ance improper payment reviews), the administration
10 of unemployment insurance for Federal employees
11 and for ex-service members as authorized under 5
12 U.S.C. 8501–8523, and the administration of trade
13 readjustment allowances, re-employment trade ad-
14 justment assistance, and alternative trade adjust-
15 ment assistance under the Trade Act of 1974 and
16 under section 1891(b) of the Trade and
17 Globalization Adjustment Assistance Act of 2009,
18 and shall be available for obligation by the States
19 through December 31, 2011, except that funds used
20 for automation acquisitions shall be available for ob-
21 ligation by the States through September 30, 2013,
22 and funds used for unemployment insurance work-
23 loads experienced by the States through September
24 30, 2011, shall be available for Federal obligation
25 through December 31, 2011: *Provided*, That funds

1 awarded to States under the misclassification initia-
2 tive or to conduct re-employment and eligibility as-
3 sessment and improper payment reviews shall be
4 available for obligation by the States through Sep-
5 tember 30, 2013;

6 (2) \$11,310,000 from the Trust Fund is for na-
7 tional activities necessary to support the administra-
8 tion of the Federal-State unemployment insurance
9 system;

10 (3) \$680,893,000 from the Trust Fund, to-
11 gether with \$22,683,000 from the General Fund of
12 the Treasury, is for grants to States in accordance
13 with section 6 of the Wagner-Peyser Act, and shall
14 be available for Federal obligation for the period
15 July 1, 2011 through June 30, 2012;

16 (4) \$20,994,000 from the Trust Fund is for na-
17 tional activities of the Employment Service, includ-
18 ing administration of the work opportunity tax cred-
19 it under section 51 of the Internal Revenue Code of
20 1986, and the provision of technical assistance and
21 staff training under the Wagner-Peyser Act, includ-
22 ing not to exceed \$1,228,000 that may be used for
23 amortization payments to States which had inde-
24 pendent retirement plans in their State employment
25 service agencies prior to 1980;

1 (5) \$65,648,000 from the Trust Fund is for the
2 administration of foreign labor certifications and re-
3 lated activities under the Immigration and Nation-
4 ality Act and related laws, of which \$50,519,000
5 shall be available for the Federal administration of
6 such activities, and \$15,129,000 shall be available
7 for grants to States for the administration of such
8 activities; and

9 (6) \$66,720,000 from the General Fund is to
10 provide workforce information, national electronic
11 tools, and one-stop system building under the Wag-
12 ner-Peyser Act and section 171 (e)(2)(C) of the
13 Workforce Investment Act of 1998 and shall be
14 available for Federal obligation for the period July
15 1, 2011 through June 30, 2012:

16 *Provided*, That to the extent that the Average Weekly In-
17 sured Unemployment (“AWIU”) for fiscal year 2011 is
18 projected by the Department of Labor to exceed
19 6,051,000, an additional \$28,600,000 from the Trust
20 Fund shall be available for obligation for every 100,000
21 increase in the AWIU level (including a pro rata amount
22 for any increment less than 100,000) to carry out title
23 III of the Social Security Act: *Provided further*, That
24 funds appropriated in this Act that are allotted to a State
25 to carry out activities under title III of the Social Security

1 Act may be used by such State to assist other States in
2 carrying out activities under such title III if the other
3 States include areas that have suffered a major disaster
4 declared by the President under the Robert T. Stafford
5 Disaster Relief and Emergency Assistance Act: *Provided*
6 *further*, That the Secretary of Labor may use funds appro-
7 priated for grants to States under title III of the Social
8 Security Act to make payments on behalf of States for
9 the use of the National Directory of New Hires under sec-
10 tion 453(j)(8) of such Act: *Provided further*, That funds
11 appropriated in this Act which are used to establish a na-
12 tional one-stop career center system, or which are used
13 to support the national activities of the Federal-State un-
14 employment insurance or immigration programs, may be
15 obligated in contracts, grants, or agreements with non-
16 State entities: *Provided further*, That funds appropriated
17 under this Act for activities authorized under title III of
18 the Social Security Act and the Wagner-Peyser Act may
19 be used by States to fund integrated Unemployment In-
20 surance and Employment Service automation efforts, not-
21 withstanding cost allocation principles prescribed under
22 the Office of Management and Budget Circular A-87:
23 *Provided further*, That the Secretary, at the request of a
24 State participating in a consortium with other States, may
25 reallocate funds allotted to such State under title III of the

1 EMPLOYEE BENEFITS SECURITY ADMINISTRATION

2 SALARIES AND EXPENSES

3 For necessary expenses for the Employee Benefits
4 Security Administration, \$172,995,000.

5 PENSION BENEFIT GUARANTY CORPORATION

6 PENSION BENEFIT GUARANTY CORPORATION FUND

7 The Pension Benefit Guaranty Corporation (“Cor-
8 poration”) is authorized to make such expenditures, in-
9 cluding financial assistance authorized by subtitle E of
10 title IV of the Employee Retirement Income Security Act
11 of 1974, within limits of funds and borrowing authority
12 available to the Corporation, and in accord with law, and
13 to make such contracts and commitments without regard
14 to fiscal year limitations, as provided by 31 U.S.C. 9104,
15 as may be necessary in carrying out the program, includ-
16 ing associated administrative expenses, through Sep-
17 tember 30, 2011, for the Corporation: *Provided*, That
18 none of the funds available to the Corporation for fiscal
19 year 2011 shall be available for obligations for administra-
20 tive expenses in excess of \$466,301,000: *Provided further*,
21 That to the extent that the number of new plan partici-
22 pants in plans terminated by the Corporation exceeds
23 100,000 in fiscal year 2011, an amount not to exceed an
24 additional \$9,200,000 shall be available through Sep-
25 tember 30, 2012 for obligation for administrative expenses

1 for every 20,000 additional terminated participants: *Pro-*
2 *vided further*, That an additional \$50,000 shall be made
3 available through September 30, 2012, for obligation for
4 investment management fees for every \$25,000,000 in as-
5 sets received by the Corporation as a result of new plan
6 terminations or asset growth, after approval by the Office
7 of Management and Budget and notification of the Com-
8 mittees on Appropriations of the House of Representatives
9 and the Senate: *Provided further*, That obligations in ex-
10 cess of the amounts provided in this paragraph may be
11 incurred for unforeseen and extraordinary pretermination
12 expenses after approval by the Office of Management and
13 Budget and notification of the Committees on Appropria-
14 tions of the House of Representatives and the Senate.

15 OFFICE OF WORKERS' COMPENSATION PROGRAMS

16 SALARIES AND EXPENSES

17 For necessary expenses for the Office of Workers'
18 Compensation Programs, \$123,765,000, together with
19 \$2,181,000 which may be expended from the Special Fund
20 in accordance with sections 39(c), 44(d), and 44(j) of the
21 Longshore and Harbor Workers' Compensation Act.

22 SPECIAL BENEFITS

23 (INCLUDING TRANSFER OF FUNDS)

24 For the payment of compensation, benefits, and ex-
25 penses (except administrative expenses) accruing during

1 the current or any prior fiscal year authorized by 5 U.S.C.
2 81; continuation of benefits as provided for under the
3 heading “Civilian War Benefits” in the Federal Security
4 Agency Appropriation Act, 1947; the Employees’ Com-
5 pensation Commission Appropriation Act, 1944; sections
6 4(c) and 5(f) of the War Claims Act of 1948; and 50 per-
7 cent of the additional compensation and benefits required
8 by section 10(h) of the Longshore and Harbor Workers’
9 Compensation Act, \$183,000,000, together with such
10 amounts as may be necessary to be charged to the subse-
11 quent year appropriation for the payment of compensation
12 and other benefits for any period subsequent to August
13 15 of the current year: *Provided*, That amounts appro-
14 priated may be used under 5 U.S.C. 8104, by the Sec-
15 retary of Labor to reimburse an employer, who is not the
16 employer at the time of injury, for portions of the salary
17 of a re-employed, disabled beneficiary: *Provided further*,
18 That balances of reimbursements unobligated on Sep-
19 tember 30, 2010, shall remain available until expended for
20 the payment of compensation, benefits, and expenses: *Pro-*
21 *vided further*, That in addition there shall be transferred
22 to this appropriation from the Postal Service and from
23 any other corporation or instrumentality required under
24 5 U.S.C. 8147(c) to pay an amount for its fair share of
25 the cost of administration, such sums as the Secretary de-

1 termines to be the cost of administration for employees
2 of such fair share entities through September 30, 2011:
3 *Provided further*, That of those funds transferred to this
4 account from the fair share entities to pay the cost of ad-
5 ministration of the Federal Employees' Compensation Act,
6 \$65,364,000 shall be made available to the Secretary as
7 follows:

8 (1) For enhancement and maintenance of auto-
9 mated data processing systems and telecommuni-
10 cations systems, \$17,318,000;

11 (2) For automated workload processing oper-
12 ations, including document imaging, centralized mail
13 intake, and medical bill processing, \$32,973,000;

14 (3) For periodic roll management and medical
15 review, \$15,073,000; and

16 (4) The remaining funds shall be paid into the
17 Treasury as miscellaneous receipts:

18 *Provided further*, That the Secretary may require that any
19 person filing a notice of injury or a claim for benefits
20 under 5 U.S.C. 81, or the Longshore and Harbor Work-
21 ers' Compensation Act, provide as part of such notice and
22 claim, such identifying information (including Social Secu-
23 rity account number) as such regulations may prescribe.

1 SPECIAL BENEFITS FOR DISABLED COAL MINERS

2 For carrying out title IV of the Federal Mine Safety
3 and Health Act of 1977, as amended by Public Law 107–
4 275, \$158,220,000, to remain available until expended.

5 For making after July 31 of the current fiscal year,
6 benefit payments to individuals under title IV of such Act,
7 for costs incurred in the current fiscal year, such amounts
8 as may be necessary.

9 For making benefit payments under title IV for the
10 first quarter of fiscal year 2012, \$41,000,000, to remain
11 available until expended.

12 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

13 OCCUPATIONAL ILLNESS COMPENSATION FUND

14 For necessary expenses to administer the Energy
15 Employees Occupational Illness Compensation Program
16 Act, \$53,778,000, to remain available until expended: *Pro-*
17 *vided*, That the Secretary of Labor may require that any
18 person filing a claim for benefits under the Act provide
19 as part of such claim, such identifying information (in-
20 cluding Social Security account number) as may be pre-
21 scribed.

22 BLACK LUNG DISABILITY TRUST FUND

23 (INCLUDING TRANSFER OF FUNDS)

24 In fiscal year 2011, such sums as may be necessary
25 from the Black Lung Disability Trust Fund (“Fund”), to

1 remain available until expended, for payment of all bene-
2 fits authorized by section 9501(d)(1), (2), (6), and (7) of
3 the Internal Revenue Code of 1986; and repayment of,
4 and payment of interest on advances, as authorized by sec-
5 tion 9501 (d)(4) of that Act. In addition, the following
6 amounts may be expended from the Fund for fiscal year
7 2011 for expenses of operation and administration of the
8 Black Lung Benefits program, as authorized by section
9 9501(d)(5): not to exceed \$33,075,000 for transfer to the
10 Office of Workers' Compensation Programs, "Salaries and
11 Expenses"; not to exceed \$25,394,000 for transfer to De-
12 partmental Management, "Salaries and Expenses"; not to
13 exceed \$327,000 for transfer to Departmental Manage-
14 ment, "Office of Inspector General"; and not to exceed
15 \$356,000 for payments into miscellaneous receipts for the
16 expenses of the Department of the Treasury.

17 WAGE AND HOUR DIVISION

18 SALARIES AND EXPENSES

19 For necessary expenses for the Wage and Hour Divi-
20 sion, including reimbursement to State, Federal, and local
21 agencies and their employees for inspection services ren-
22 dered, \$242,640,000.

1 education: *Provided*, That notwithstanding 31 U.S.C.
2 3302, the Secretary is authorized, during the fiscal year
3 ending September 30, 2011, to collect and retain fees for
4 services provided to Nationally Recognized Testing Lab-
5 oratories, and may utilize such sums, in accordance with
6 the provisions of 29 U.S.C. 9a, to administer national and
7 international laboratory recognition programs that ensure
8 the safety of equipment and products used by workers in
9 the workplace: *Provided further*, That none of the funds
10 appropriated under this paragraph shall be obligated or
11 expended to prescribe, issue, administer, or enforce any
12 standard, rule, regulation, or order under the Act which
13 is applicable to any person who is engaged in a farming
14 operation which does not maintain a temporary labor
15 camp and employs 10 or fewer employees: *Provided fur-*
16 *ther*, That no funds appropriated under this paragraph
17 shall be obligated or expended to administer or enforce
18 any standard, rule, regulation, or order under the Act with
19 respect to any employer of 10 or fewer employees who is
20 included within a category having a Days Away, Re-
21 stricted, or Transferred (DART) occupational injury and
22 illness rate, at the most precise industrial classification
23 code for which such data are published, less than the na-
24 tional average rate as such rates are most recently pub-
25 lished by the Secretary, acting through the Bureau of

1 Labor Statistics, in accordance with section 24 of the Act,
2 except—

3 (1) to provide, as authorized by the Act, con-
4 sultation, technical assistance, educational and train-
5 ing services, and to conduct surveys and studies;

6 (2) to conduct an inspection or investigation in
7 response to an employee complaint, to issue a cita-
8 tion for violations found during such inspection, and
9 to assess a penalty for violations which are not cor-
10 rected within a reasonable abatement period and for
11 any willful violations found;

12 (3) to take any action authorized by the Act
13 with respect to imminent dangers;

14 (4) to take any action authorized by the Act
15 with respect to health hazards;

16 (5) to take any action authorized by the Act
17 with respect to a report of an employment accident
18 which is fatal to one or more employees or which re-
19 sults in hospitalization of two or more employees,
20 and to take any action pursuant to such investiga-
21 tion authorized by the Act; and

22 (6) to take any action authorized by the Act
23 with respect to complaints of discrimination against
24 employees for exercising rights under the Act:

1 *Provided further*, That the foregoing proviso shall not
2 apply to any person who is engaged in a farming operation
3 which does not maintain a temporary labor camp and em-
4 ploys 10 or fewer employees: *Provided further*, That
5 \$11,000,000 shall be available for Susan Harwood train-
6 ing grants.

7 MINE SAFETY AND HEALTH ADMINISTRATION

8 SALARIES AND EXPENSES

9 For necessary expenses for the Mine Safety and
10 Health Administration, \$373,138,000, including purchase
11 and bestowal of certificates and trophies in connection
12 with mine rescue and first-aid work, and the hire of pas-
13 senger motor vehicles, including up to \$2,000,000 for
14 mine rescue and recovery activities, and \$1,500,000 to
15 continue the project with the United Mine Workers of
16 America, for classroom and simulated rescue training for
17 mine rescue teams; in addition, not to exceed \$750,000
18 may be collected by the National Mine Health and Safety
19 Academy for room, board, tuition, and the sale of training
20 materials, otherwise authorized by law to be collected, to
21 be available for mine safety and health education and
22 training activities, notwithstanding 31 U.S.C. 3302; and,
23 in addition, the Mine Safety and Health Administration
24 may retain up to \$1,350,000 from fees collected for the
25 approval and certification of equipment, materials, and ex-

1 plosives for use in mines, and may utilize such sums for
 2 such activities; the Secretary of Labor is authorized to ac-
 3 cept lands, buildings, equipment, and other contributions
 4 from public and private sources and to prosecute projects
 5 in cooperation with other agencies, Federal, State, or pri-
 6 vate; the Mine Safety and Health Administration is au-
 7 thorized to promote health and safety education and train-
 8 ing in the mining community through cooperative pro-
 9 grams with States, industry, and safety associations; the
 10 Secretary is authorized to recognize the Joseph A. Holmes
 11 Safety Association as a principal safety association and,
 12 notwithstanding any other provision of law, may provide
 13 funds and, with or without reimbursement, personnel, in-
 14 cluding service of Mine Safety and Health Administration
 15 officials as officers in local chapters or in the national or-
 16 ganization; and any funds available to the Department of
 17 Labor may be used, with the approval of the Secretary,
 18 to provide for the costs of mine rescue and survival oper-
 19 ations in the event of a major disaster.

20 BUREAU OF LABOR STATISTICS

21 SALARIES AND EXPENSES

22 For necessary expenses for the Bureau of Labor Sta-
 23 tistics, including advances or reimbursements to State,
 24 Federal, and local agencies and their employees for serv-
 25 ices rendered, \$565,050,000, together with not to exceed

1 \$67,438,000, which may be expended from the Employ-
2 ment Security Administration Account in the Unemploy-
3 ment Trust Fund, of which \$1,500,000 may be used to
4 fund the mass layoff statistics program under section 15
5 of the Wagner-Peyser Act: *Provided*, That the Current
6 Employment Survey shall maintain the content of the sur-
7 vey issued prior to June 2005 with respect to the collection
8 of data for the women worker series.

9 OFFICE OF DISABILITY EMPLOYMENT POLICY

10 SALARIES AND EXPENSES

11 For necessary expenses for the Office of Disability
12 Employment Policy to provide leadership, develop policy
13 and initiatives, and award grants furthering the objective
14 of eliminating barriers to the training and employment of
15 people with disabilities, \$42,138,000.

16 DEPARTMENTAL MANAGEMENT

17 SALARIES AND EXPENSES

18 (INCLUDING TRANSFER OF FUNDS)

19 For necessary expenses for Departmental Manage-
20 ment, including the hire of three sedans, \$416,297,000,
21 together with not to exceed \$327,000, which may be ex-
22 pended from the Employment Security Administration Ac-
23 count in the Unemployment Trust Fund: *Provided*, That
24 the Secretary of Labor may transfer up to \$4,300,000 of
25 the funds available under this heading for legal services

1 to “Mine Safety and Health Administration—Salaries and
2 Expenses” for activities related to the Department of La-
3 bor’s caseload before the Federal Mine Safety and Health
4 Review Commission, which may include case management
5 of civil penalties, assignment of Pattern of Violations
6 (“POV”) status, and enhanced enforcement under the
7 POV process: *Provided further*, That \$87,000,000 for the
8 Bureau of International Labor Affairs shall be available
9 for obligation through December 31, 2011: *Provided fur-*
10 *ther*, That funds available to the Bureau of International
11 Labor Affairs may be used to administer or operate inter-
12 national labor activities, bilateral and multilateral tech-
13 nical assistance, and microfinance programs, by or
14 through contracts, grants, subgrants and other arrange-
15 ments: *Provided further*, That \$40,000,000 shall be for the
16 United States’ contribution to the International Labour
17 Organization’s International Program on the Elimination
18 of Child Labor: *Provided further*, That \$26,500,000 shall
19 be used to implement model programs that address worker
20 rights issues through technical assistance or other pro-
21 grams in countries with which the United States has free
22 trade agreements or trade preference programs: *Provided*
23 *further*, That funds available for the acquisition of Depart-
24 mental information technology, architecture, infrastruc-
25 ture, equipment, software and related needs, may be allo-

1 cated to agencies of the Department by the Department's
2 Chief Information Officer: *Provided further*, That
3 \$27,000,000 shall be used for program evaluation, of
4 which \$17,000,000 shall be available for obligation
5 through September 30, 2012: *Provided further*, That
6 funds available for program evaluation may be transferred
7 to any other appropriate account in the Department for
8 such purpose: *Provided further*, That the Women's Bureau
9 shall have grant authority.

10 VETERANS EMPLOYMENT AND TRAINING

11 Not to exceed \$211,523,000 may be derived from the
12 Employment Security Administration Account in the Un-
13 employment Trust Fund to carry out the provisions of 38
14 U.S.C. 4100–4113, 4211–4215, and 4321–4327, and
15 Public Law 103–353, and which shall be available for obli-
16 gation by the States through December 31, 2011, of which
17 \$2,449,000 is for the National Veterans' Employment and
18 Training Services Institute.

19 In addition, to carry out Department of Labor pro-
20 grams under section 5(a)(1) of the Homeless Veterans
21 Comprehensive Assistance Act of 2001 and the Veterans
22 Workforce Investment Programs under section 168 of the
23 Workforce Investment Act, \$50,971,000, of which
24 \$9,641,000 shall be available for obligation for the period
25 July 1, 2011 through June 30, 2012.

1 OFFICE OF INSPECTOR GENERAL

2 For salaries and expenses of the Office of Inspector
3 General in carrying out the provisions of the Inspector
4 General Act of 1978, \$79,090,000, together with not to
5 exceed \$5,992,000, which may be expended from the Em-
6 ployment Security Administration Account in the Unem-
7 ployment Trust Fund.

8 WORKING CAPITAL FUND

9 (INCLUDING TRANSFER OF FUNDS)

10 For the Department of Labor's acquisition workforce
11 capacity and capabilities, \$4,537,000: *Provided*, That such
12 funds may be transferred by the Secretary of Labor for
13 that purpose to any other account in the Department (in
14 addition to any other transfer authority provided in this
15 Act): *Provided further*, That funds available under this
16 heading shall be used only to supplement and not to sup-
17 plant existing acquisition workforce activities and may be
18 used for training, recruitment, retention, and hiring addi-
19 tional members of the acquisition workforce (as defined
20 by the Office of Federal Procurement Policy Act), for in-
21 formation technology in support of acquisition workforce
22 effectiveness, or for activities to improve acquisition man-
23 agement.

1 GENERAL PROVISIONS

2 SEC. 101. None of the funds appropriated in this Act
3 for the Job Corps shall be used to pay the salary of an
4 individual, either as direct costs or any proration as an
5 indirect cost, at a rate in excess of Executive Level I.

6 (TRANSFER OF FUNDS)

7 SEC. 102. Not to exceed 1 percent of any discre-
8 tionary funds (pursuant to the Balanced Budget and
9 Emergency Deficit Control Act of 1985) which are appro-
10 priated for the current fiscal year for the Department of
11 Labor in this Act may be transferred between a program,
12 project, or activity, but no such program, project, or activ-
13 ity shall be increased by more than 3 percent by any such
14 transfer: *Provided*, That the transfer authority granted by
15 this section shall be available only to meet emergency
16 needs and shall not be used to create any new program
17 or to fund any project or activity for which no funds are
18 provided in this Act: *Provided further*, That the Commit-
19 tees on Appropriations of the House of Representatives
20 and the Senate are notified at least 15 days in advance
21 of any transfer, with such notification to include an expla-
22 nation of the effects of the proposed transfer by program,
23 project, and activity.

24 SEC. 103. In accordance with Executive Order No.
25 13126, none of the funds appropriated or otherwise made

1 available pursuant to this Act shall be obligated or ex-
2 pended for the procurement of goods mined, produced,
3 manufactured, or harvested or services rendered, whole or
4 in part, by forced or indentured child labor in industries
5 and host countries already identified by the United States
6 Department of Labor prior to enactment of this Act.

7 SEC. 104. None of the funds made available to the
8 Department of Labor for grants under section 414(c) of
9 the American Competitiveness and Workforce Improve-
10 ment Act of 1998 may be used for any purpose other than
11 training in the occupations and industries for which em-
12 ployers are using H-1B visas to hire foreign workers, and
13 the related activities necessary to support such training.

14 SEC. 105. None of the funds available to the Sec-
15 retary of Labor for grants authorized under section 414(c)
16 of the American Competitiveness and Workforce Improve-
17 ment Act of 1998 shall be obligated for a grant awarded
18 on a non-competitive basis.

19 SEC. 106. None of the funds appropriated in this Act
20 under the heading “Employment and Training Adminis-
21 tration” shall be used by a recipient or subrecipient of
22 such funds to pay the salary and bonuses of an individual,
23 either as direct costs or indirect costs, at a rate in excess
24 of Executive Level II. This limitation shall not apply to
25 vendors providing goods and services as defined in Office

1 of Management and Budget Circular A-133. Where
2 States are recipients of such funds, States may establish
3 a lower limit for salaries and bonuses of those receiving
4 salaries and bonuses from subrecipients of such funds,
5 taking into account factors including the relative cost-of-
6 living in the State, the compensation levels for comparable
7 State or local government employees, and the size of the
8 organizations that administer Federal programs involved
9 including Employment and Training Administration pro-
10 grams. Notwithstanding this section, the limitation on sal-
11 aries for the Job Corps shall continue to be governed by
12 Section 101 of this Act.

13 SEC. 107. The Secretary of Labor shall take no ac-
14 tion to amend, through regulatory or administration ac-
15 tion, the definition established in section 667.220 of title
16 20 of the Code of Federal Regulations for functions and
17 activities under title I of the Workforce Investment Act
18 of 1998, or to modify, through regulatory or administra-
19 tive action, the procedure for redesignation of local areas
20 as specified in subtitle B of title I of that Act (including
21 applying the standards specified in section 116(a)(3)(B)
22 of that Act, but notwithstanding the time limits specified
23 in section 116(a)(3)(B) of that Act), until such time as
24 legislation reauthorizing the Act is enacted. Nothing in the
25 preceding sentence shall permit or require the Secretary

1 to withdraw approval for such redesignation from a State
2 that received the approval not later than October 12,
3 2005, or to revise action taken or modify the redesignation
4 procedure being used by the Secretary in order to complete
5 such redesignation for a State that initiated the process
6 of such redesignation by submitting any request for such
7 redesignation not later than October 26, 2005.

8 (INCLUDING RESCISSION OF FUNDS)

9 SEC. 108. (a) Of the unobligated balances available
10 in “Department of Labor—Working Capital Fund”,
11 \$3,900,000 are permanently rescinded, to be derived solely
12 from amounts available for the Investment in Reinvention
13 Fund (other than amounts that were designated by the
14 Congress as an emergency requirement pursuant to a con-
15 current resolution on the budget or the Balanced Budget
16 and Emergency Deficit Control Act of 1985).

17 (b) Public Law 85–67 is amended by striking the
18 third proviso under the heading “Working Capital Fund”
19 (as added by Public Law 104–134 and relating to estab-
20 lishment of an Investment in Reinvestment Fund).

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 109. Funds available to the Employment and
23 Training Administration, either directly or through a set-
24 aside, for technical assistance services to grantees may be
25 transferred to “Program Administration” when it is deter-

1 mined that those services will be more efficiently per-
2 formed by Federal staff.

3 This title may be cited as the “Department of Labor
4 Appropriations Act, 2011”.

5 TITLE II
6 DEPARTMENT OF HEALTH AND HUMAN
7 SERVICES

8 HEALTH RESOURCES AND SERVICES ADMINISTRATION

9 HEALTH RESOURCES AND SERVICES

10 (INCLUDING TRANSFER OF FUNDS)

11 For carrying out titles II, III, IV, VII, VIII, X, XI,
12 XII, XIX, XX, XXVI, and XXVIII of the Public Health
13 Service Act (“PHS Act”), section 427(a) of the Federal
14 Coal Mine Health and Safety Act, title V and sections
15 711, 1128E, 1820, and 1886 of the Social Security Act,
16 the Health Care Quality Improvement Act of 1986, the
17 Native Hawaiian Health Care Act of 1988, the Cardiac
18 Arrest Survival Act of 2000, section 712 of the American
19 Jobs Creation Act of 2004, the Stem Cell Therapeutic and
20 Research Act of 2005, the Medicare Prescription Drug
21 Improvement and Modernization Act of 2003, and the Pa-
22 tient Protection and Affordable Care Act, \$7,715,892,000,
23 of which \$41,200,000 from general revenues, notwith-
24 standing section 1820(j) of the Social Security Act, shall
25 be available for carrying out the Medicare rural hospital

1 flexibility grants program under such section: *Provided*,
2 That sections 340G–1(d)(1) and (d)(2), 747(c)(2),
3 751(j)(2), and the proportional funding amounts in para-
4 graphs (1) through (4) of section 756(e) of the PHS Act
5 shall not apply to funds made available in this paragraph:
6 *Provided further*, That of the funds made available under
7 this heading for Medicare rural hospital flexibility grants,
8 \$1,000,000 shall be to carry out section 1820(g)(6) of the
9 Social Security Act, with funds provided for such grants
10 available for the purchase and implementation of tele-
11 health services, including pilots and demonstrations on the
12 use of electronic health records to coordinate rural vet-
13 erans care between rural providers and the Department
14 of Veterans Affairs through the use of the VISTA-Elec-
15 tronic Health Record: *Provided further*, That of the funds
16 made available under this heading, \$129,000 shall be
17 available until expended for facilities renovations at the
18 Gillis W. Long Hansen’s Disease Center: *Provided further*,
19 That in addition to fees authorized by section 427(b) of
20 the Health Care Quality Improvement Act of 1986, fees
21 shall be collected for the full disclosure of information
22 under the Act sufficient to recover the full costs of oper-
23 ating the National Practitioner Data Bank, and shall re-
24 main available until expended to carry out that Act: *Pro-*
25 *vided further*, That fees collected for the full disclosure of

1 information under the “Health Care Fraud and Abuse
2 Data Collection Program”, authorized by section
3 1128E(d)(2) of the Social Security Act, shall be sufficient
4 to recover the full costs of operating the program, and
5 shall remain available until expended to carry out that
6 Act: *Provided further*, That no more than \$40,000 shall
7 be available until expended for carrying out the provisions
8 of section 224(o) of the PHS Act including associated ad-
9 ministrative expenses and relevant evaluations: *Provided*
10 *further*, That no more than \$100,000,000 shall be avail-
11 able until expended for carrying out the provisions of Pub-
12 lic Law 104–73 and for expenses incurred by the Depart-
13 ment of Health and Human Services (“HHS”) pertaining
14 to administrative claims made under such law: *Provided*
15 *further*, That of the funds made available under this head-
16 ing, \$327,356,000 shall be for the program under title X
17 of the PHS Act to provide for voluntary family planning
18 projects: *Provided further*, That amounts provided to said
19 projects under such title shall not be expended for abor-
20 tions, that all pregnancy counseling shall be nondirective,
21 and that such amounts shall not be expended for any ac-
22 tivity (including the publication or distribution of lit-
23 erature) that in any way tends to promote public support
24 or opposition to any legislative proposal or candidate for
25 public office: *Provided further*, That of the funds available

1 under this heading, \$2,010,365,000 shall remain available
2 to the Secretary of HHS through September 30, 2013,
3 for parts A and B of title XXVI of the PHS Act, of which
4 \$900,000,000 shall be for State AIDS Drug Assistance
5 Programs under the authority of section 2616 or 311(c)
6 of the PHS Act: *Provided further*, That within the
7 amounts provided for part A of title XXVI of the PHS
8 Act, \$4,919,000 shall be available to the Secretary
9 through September 30, 2013, and shall be available to
10 qualifying jurisdictions, within 30 days of enactment, for
11 increasing supplemental grants for fiscal year 2011 to
12 metropolitan and transitional areas that received grant
13 funding in fiscal year 2010 under subparts I and II of
14 part A of title XXVI of the PHS Act to ensure that an
15 area's total funding under subparts I and II of part A
16 for fiscal year 2010, together with the amount of this ad-
17 ditional funding, is not less than 90.7 percent of the
18 amount of such area's total funding under part A for fiscal
19 year 2006: *Provided further*, That notwithstanding section
20 2603(c)(1) of the PHS Act, the additional funding to
21 areas under the immediately preceding proviso, which may
22 be used for costs incurred during fiscal year 2010, shall
23 be available to the area for obligation from the date of
24 the award through the end of the grant year for the
25 award: *Provided further*, That in addition to amounts pro-

1 vided herein, \$25,000,000 shall be available from amounts
2 available under section 241 of the PHS Act to carry out
3 parts A, B, C, and D of title XXVI of the PHS Act to
4 fund section 2691 Special Projects of National Signifi-
5 cance: *Provided further*, That notwithstanding sections
6 502(a)(1) and 502(b)(1) of the Social Security Act, not
7 to exceed \$93,999,263 shall be available for carrying out
8 special projects of regional and national significance pur-
9 suant to section 501(a)(2) of such Act and \$11,810,915
10 shall be available for projects described in paragraphs (A)
11 through (F) of section 501(a)(3) of such Act: *Provided*
12 *further*, That of the funds provided, \$34,927,000 shall be
13 provided for the Delta Health Initiative as authorized in
14 section 219 of division G of Public Law 110–161 and asso-
15 ciated administrative expenses: *Provided further*, That, for
16 any program operating under section 751 of the PHS Act
17 on or before January 1, 2009, the Secretary of HHS may
18 waive any of the requirements contained in sections
19 751(d)(2)(A) and 751(d)(2)(B) of such Act: *Provided fur-*
20 *ther*, That funds provided under section 846 and subpart
21 3 of part D of title III of the PHS Act may be used to
22 make prior-year adjustments to awards made under these
23 sections: *Provided further*, That of the amount appro-
24 priated in this paragraph, \$257,375,000 shall be used for
25 the projects financing the construction and renovation (in-

1 cluding equipment) of healthcare and other facilities and
2 for other health-related activities, and in the amounts,
3 specified in the explanatory statement described in section
4 4 (in the matter preceding division A of this consolidated
5 Act), and of which up to 1 percent of the amount for each
6 project may be used for related agency administrative ex-
7 penses: *Provided further*, That notwithstanding section
8 338J(k) of the PHS Act, \$10,075,000 shall be available
9 for State Offices of Rural Health: *Provided further*, That
10 of the funds provided, \$15,000,000 shall be available for
11 the Small Rural Hospital Improvement Grant Program:
12 *Provided further*, That notwithstanding section 399BB(g)
13 of the PHS Act, funds made available under this heading
14 for section 399BB of the PHS Act are for carrying out
15 the program as authorized under section 399BB(a)–(f) of
16 such Act unless otherwise authorized subsequent to enact-
17 ment of this Act: *Provided further*, That \$65,000,000 shall
18 be available for State Health Access Grants to expand ac-
19 cess to affordable health care coverage for the uninsured
20 populations in such States: *Provided further*, That of the
21 funds provided under this paragraph, \$90,000,000 shall
22 be for grants to assist in the development of medical
23 schools, including the construction and acquisition of
24 property and facilities, in designated health professional
25 shortage areas: *Provided further*, That funds made avail-

1 able in this paragraph may be used to continue operating
2 the Council on Graduate Medical Education notwith-
3 standing section 762(k) of the PHS Act.

4 For an additional amount to carry out the activities
5 listed, and in the amounts specified, under the heading
6 “Prevention and Public Health Fund” in the explanatory
7 statement described in section 4 (in the matter preceding
8 division A of this consolidated Act), \$20,000,000, to be
9 derived by transfer from funds appropriated under section
10 4002 of the Patient Protection and Affordable Care Act:
11 *Provided*, That such funds shall not be available for fur-
12 ther transfer under authority granted in this or any other
13 Act: *Provided further*, That the amounts shall be trans-
14 ferred within 45 days of enactment of this Act.

15 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

16 For payments from the Vaccine Injury Compensation
17 Program Trust Fund (“Trust Fund”), such sums as may
18 be necessary for claims associated with vaccine-related in-
19 jury or death with respect to vaccines administered after
20 September 30, 1988, pursuant to subtitle 2 of title XXI
21 of the Public Health Service Act, to remain available until
22 expended: *Provided*, That for necessary administrative ex-
23 penses, not to exceed \$6,502,000 shall be available from
24 the Trust Fund to the Secretary of Health and Human
25 Services.

1 CENTERS FOR DISEASE CONTROL AND PREVENTION
2 DISEASE CONTROL, RESEARCH, AND TRAINING
3 (INCLUDING TRANSFER OF FUNDS)

4 To carry out titles II, III, VII, XI, XV, XVII, XIX,
5 XXI, and XXVI of the Public Health Service Act (“PHS
6 Act”), sections 101, 102, 103, 201, 202, 203, 301, 501,
7 and 514 of the Federal Mine Safety and Health Act of
8 1977, section 13 of the Mine Improvement and New
9 Emergency Response Act of 2006, sections 20, 21, and
10 22 of the Occupational Safety and Health Act of 1970,
11 titles II and IV of the Immigration and Nationality Act,
12 section 501 of the Refugee Education Assistance Act of
13 1980, sections 4001, 4004, 4201, and 4301 of the Patient
14 Protection and Affordable Care Act (“PPACA”), section
15 103(a)(4)(H) of the Afghanistan Freedom Support Act of
16 2002, and for expenses necessary to support activities re-
17 lated to countering potential biological, nuclear, radio-
18 logical, and chemical threats to civilian populations; in-
19 cluding purchase and insurance of official motor vehicles
20 in foreign countries; and purchase, hire, maintenance, and
21 operation of aircraft, \$6,288,507,000, of which
22 \$12,000,000 shall remain available until expended for ac-
23 quisition of real property, equipment, construction, and
24 renovation of facilities, including necessary repairs and
25 improvements to laboratories leased or operated by the

1 Centers for Disease Control and Prevention; of which
2 \$523,305,000 shall remain available until expended for
3 the Strategic National Stockpile under section 319F–2 of
4 the PHS Act; of which \$25,000,000 shall remain available
5 through September 30, 2012 for chronic disease grants;
6 of which \$12,155,000 shall be used for the projects, and
7 in the amounts, specified in the explanatory statement de-
8 scribed in section 4 (in the matter preceding division A
9 of this consolidated Act); of which \$118,023,000 for inter-
10 national HIV/AIDS shall remain available through Sep-
11 tember 30, 2012; of which \$150,137,000 shall be available
12 until expended to provide screening and treatment for first
13 response emergency services personnel, residents, stu-
14 dents, and others related to the September 11, 2001 ter-
15 rorist attacks on the World Trade Center; and of which
16 \$5,540,000 shall remain available until expended for re-
17 search on underground mine refuge chambers and alter-
18 natives: *Provided*, That paragraphs (1) through (3) of sec-
19 tion 2821(b) of the PHS Act shall not apply to funds
20 made available under this heading: *Provided further*, That
21 in addition, such sums as may be derived from authorized
22 user fees shall be credited to this account: *Provided fur-*
23 *ther*, That with respect to the previous proviso, authorized
24 user fees from the Vessel Sanitation Program shall be
25 available through September 30, 2012: *Provided further*,

1 That in addition to amounts provided herein, the following
2 amounts shall be available from amounts available under
3 section 241 of the PHS Act: (1) \$12,864,000 to carry out
4 the National Immunization Surveys; (2) \$161,883,000 to
5 carry out the National Center for Health Statistics sur-
6 veys; (3) \$61,916,000 for Scientific and Support Services;
7 (4) \$31,170,000 to carry out Public Health Research; and
8 (5) \$91,724,000 to carry out research activities within the
9 National Occupational Research Agenda: *Provided further,*
10 That none of the funds made available for injury preven-
11 tion and control at the Centers for Disease Control and
12 Prevention may be used, in whole or in part, to advocate
13 or promote gun control: *Provided further,* That of the
14 funds made available under this paragraph, up to \$1,000
15 per eligible employee of the Centers for Disease Control
16 and Prevention shall be made available until expended for
17 Individual Learning Accounts: *Provided further,* That the
18 Director may redirect the total amount made available
19 under authority of Public Law 101-502, section 3, dated
20 November 3, 1990, to activities the Director may so des-
21 ignate: *Provided further,* That the Committees on Appro-
22 priations of the House of Representatives and the Senate
23 are to be notified promptly of any such redirection: *Pro-*
24 *vided further,* That not to exceed \$22,787,000 may be
25 available for making grants under section 1509 of the

1 PHS Act to not less than 22 States, tribes, or tribal orga-
2 nizations: *Provided further*, That notwithstanding any
3 other provision of law, the Centers for Disease Control and
4 Prevention shall award a single contract or related con-
5 tracts for development and construction that collectively
6 include the full scope of the project: *Provided further*, That
7 the solicitation and contract shall contain the clause
8 “availability of funds” found at 48 CFR 52.232–18: *Pro-*
9 *vided further*, That of the funds appropriated, \$10,000
10 shall be for official reception and representation expenses
11 when specifically approved by the Director of the Centers
12 for Disease Control and Prevention: *Provided further*,
13 That employees of the Centers for Disease Control and
14 Prevention or the Public Health Service, both civilian and
15 Commissioned Officers, detailed to States, municipalities,
16 or other organizations under authority of section 214 of
17 the PHS Act, or in overseas assignments, shall be treated
18 as non-Federal employees for reporting purposes only and
19 shall not be included within any personnel ceiling applica-
20 ble to the Agency, Service, or the Department of Health
21 and Human Services during the period of detail or assign-
22 ment: *Provided further*, That, notwithstanding section 516
23 of this Act, no activity funded under this heading or fund-
24 ed through transfers to “Disease Control, Research, and
25 Training” that has a funding amount specifically identi-

1 fied in the explanatory statement described in section 4
2 (in the matter preceding division A of this consolidated
3 Act) may be eliminated, increased by more than 3 percent
4 or reduced by more than 1 percent through any adminis-
5 trative action.

6 In addition, for necessary expenses to administer the
7 Energy Employees Occupational Illness Compensation
8 Program Act, \$55,358,000, to remain available until ex-
9 pended, of which no less than \$4,500,000 shall be for use
10 by or in support of the Advisory Board on Radiation and
11 Worker Health (“the Board”) to carry out its statutory
12 responsibilities, including obtaining audits, technical as-
13 sistance, and other support from the Board’s audit con-
14 tractor with regard to radiation dose estimation and re-
15 construction efforts, site profiles, procedures, and review
16 of Special Exposure Cohort petitions and evaluation re-
17 ports: *Provided*, That this amount shall be available con-
18 sistent with the provision regarding administrative ex-
19 penses in section 151(b) of division B, title I of Public
20 Law 106–554.

21 For an additional amount to carry out the activities
22 listed, and in the amounts specified, under the heading
23 “Prevention and Public Health Fund” in the explanatory
24 statement described in section 4 (in the matter preceding
25 division A of this consolidated Act), \$630,000,000, to be

1 derived by transfer from funds appropriated under section
2 4002 of the Patient Protection and Affordable Care Act:
3 *Provided*, That such funds shall not be available for fur-
4 ther transfer under authority granted in this or any other
5 Act: *Provided further*, That the amounts shall be trans-
6 ferred within 45 days of enactment of this Act.

7 NATIONAL INSTITUTES OF HEALTH

8 NATIONAL CANCER INSTITUTE

9 For carrying out section 301 and title IV of the Pub-
10 lic Health Service Act with respect to cancer,
11 \$5,221,908,000, of which up to \$8,000,000 may be used
12 for facilities repairs and improvements at the National
13 Cancer Institute-Frederick Federally Funded Research
14 and Development Center in Frederick, Maryland.

15 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

16 For carrying out section 301 and title IV of the Pub-
17 lic Health Service Act with respect to cardiovascular, lung,
18 and blood diseases, and blood and blood products,
19 \$3,168,353,000.

20 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL

21 RESEARCH

22 For carrying out section 301 and title IV of the Pub-
23 lic Health Service Act with respect to dental disease,
24 \$422,577,000.

1 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
2 KIDNEY DISEASES

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act with respect to diabetes and diges-
5 tive and kidney disease, \$1,849,285,000.

6 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
7 AND STROKE

8 For carrying out section 301 and title IV of the Pub-
9 lic Health Service Act with respect to neurological dis-
10 orders and stroke, \$1,673,342,000.

11 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
12 DISEASES

13 (INCLUDING TRANSFER OF FUNDS)

14 For carrying out section 301 and title IV of the Pub-
15 lic Health Service Act with respect to allergy and infec-
16 tious diseases, \$4,929,920,000: *Provided*, That
17 \$300,000,000 may be made available to International As-
18 sistance Programs “Global Fund to Fight HIV/AIDS, Ma-
19 laria, and Tuberculosis”, to remain available until ex-
20 pended.

21 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

22 For carrying out section 301 and title IV of the Pub-
23 lic Health Service Act with respect to general medical
24 sciences, \$2,123,944,000.

1 EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF
2 CHILD HEALTH AND HUMAN DEVELOPMENT

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act with respect to child health and
5 human development, \$1,359,515,000.

6 NATIONAL EYE INSTITUTE

7 For carrying out section 301 and title IV of the Pub-
8 lic Health Service Act with respect to eye diseases and
9 visual disorders, \$723,020,000.

10 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
11 SCIENCES

12 For carrying out section 301 and title IV of the Pub-
13 lic Health Service Act with respect to environmental
14 health sciences, \$705,733,000.

15 NATIONAL INSTITUTE ON AGING

16 For carrying out section 301 and title IV of the Pub-
17 lic Health Service Act with respect to aging,
18 \$1,136,097,000.

19 NATIONAL INSTITUTE OF ARTHRITIS AND
20 MUSCULOSKELETAL AND SKIN DISEASES

21 For carrying out section 301 and title IV of the Pub-
22 lic Health Service Act with respect to arthritis and mus-
23 culoskeletal and skin diseases, \$553,186,000.

1 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
2 COMMUNICATION DISORDERS

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act with respect to deafness and other
5 communication disorders, \$428,826,000.

6 NATIONAL INSTITUTE OF NURSING RESEARCH

7 For carrying out section 301 and title IV of the Pub-
8 lic Health Service Act with respect to nursing research,
9 \$149,339,000.

10 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
11 ALCOHOLISM

12 For carrying out section 301 and title IV of the Pub-
13 lic Health Service Act with respect to alcohol abuse and
14 alcoholism, \$472,795,000.

15 NATIONAL INSTITUTE ON DRUG ABUSE

16 For carrying out section 301 and title IV of the Pub-
17 lic Health Service Act with respect to drug abuse,
18 \$1,084,288,000.

19 NATIONAL INSTITUTE OF MENTAL HEALTH

20 For carrying out section 301 and title IV of the Pub-
21 lic Health Service Act with respect to mental health,
22 \$1,524,787,000.

1 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

2 For carrying out section 301 and title IV of the Pub-
3 lic Health Service Act with respect to human genome re-
4 search, \$527,485,000.

5 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND
6 BIOENGINEERING

7 For carrying out section 301 and title IV of the Pub-
8 lic Health Service Act with respect to biomedical imaging
9 and bioengineering research, \$324,149,000.

10 NATIONAL CENTER FOR RESEARCH RESOURCES

11 For carrying out section 301 and title IV of the Pub-
12 lic Health Service Act with respect to research resources
13 and general research support grants, \$1,306,868,000.

14 NATIONAL CENTER FOR COMPLEMENTARY AND
15 ALTERNATIVE MEDICINE

16 For carrying out section 301 and title IV of the Pub-
17 lic Health Service Act with respect to complementary and
18 alternative medicine, \$131,693,000.

19 NATIONAL INSTITUTE ON MINORITY HEALTH AND
20 HEALTH DISPARITIES

21 For carrying out section 301 and title IV of the Pub-
22 lic Health Service Act with respect to minority health and
23 health disparities research, \$217,430,000.

1 JOHN E. FOGARTY INTERNATIONAL CENTER

2 For carrying out the activities of the John E. Fogarty
3 International Center (described in subpart 2 of part E of
4 title IV of the Public Health Service Act), \$71,967,000.

5 NATIONAL LIBRARY OF MEDICINE

6 For carrying out section 301 and title IV of the Pub-
7 lic Health Service Act (“PHS Act”) with respect to health
8 information communications, \$361,826,000, of which
9 \$4,000,000 shall be available until expended for improve-
10 ment of information systems: *Provided*, That in fiscal year
11 2011, the National Library of Medicine may enter into
12 personal services contracts for the provision of services in
13 facilities owned, operated, or constructed under the juris-
14 diction of the National Institutes of Health: *Provided fur-*
15 *ther*, That in addition to amounts provided herein,
16 \$8,200,000 shall be available from amounts available
17 under section 241 of the PHS Act to carry out the pur-
18 poses of the National Information Center on Health Serv-
19 ices Research and Health Care Technology established
20 under section 478A of the PHS Act and related health
21 services.

22 OFFICE OF THE DIRECTOR

23 (INCLUDING TRANSFER OF FUNDS)

24 For carrying out the responsibilities of the Office of
25 the Director, National Institutes of Health (“NIH”),

1 \$1,252,514,000, of which up to \$25,000,000 shall be used
2 to carry out section 213 of this Act: *Provided*, That fund-
3 ing shall be available for the purchase of not to exceed
4 29 passenger motor vehicles for replacement only: *Pro-*
5 *vided further*, That the NIH is authorized to collect third
6 party payments for the cost of clinical services that are
7 incurred in NIH research facilities and that such pay-
8 ments shall be credited to the NIH Management Fund:
9 *Provided further*, That all funds credited to such Fund
10 shall remain available for one fiscal year after the fiscal
11 year in which they are deposited: *Provided further*, That
12 up to \$194,400,000 shall be available for continuation of
13 the National Children’s Study: *Provided further*, That
14 \$557,224,000 shall be available for the Common Fund es-
15 tablished under section 402A(c)(1) of the Public Health
16 Service Act (“PHS Act”): *Provided further*, That of the
17 funds provided \$10,000 shall be for official reception and
18 representation expenses when specifically approved by the
19 Director of the NIH: *Provided further*, That the Office of
20 AIDS Research within the Office of the Director of the
21 NIH may spend up to \$8,000,000 to make grants for con-
22 struction or renovation of facilities as provided for in sec-
23 tion 2354(a)(5)(B) of the PHS Act: *Provided further*,
24 That \$50,000,000 shall be available to implement section
25 402C of the PHS Act, relating to the Cures Acceleration

1 Network: *Provided further*, That if the entirety of the
 2 \$50,000,000 cannot be obligated for the Cures Accelera-
 3 tion Network in fiscal year 2011, the Director is author-
 4 ized to transfer the remaining funds to the Institutes and
 5 Centers, in proportion to, and for the same purposes as,
 6 the appropriations otherwise made to such Institutes and
 7 Centers in this Act, in order to obligate the full amount
 8 available prior to October 1, 2011.

9 BUILDINGS AND FACILITIES

10 For the study of, construction of, renovation of, and
 11 acquisition of equipment for, facilities of or used by the
 12 National Institutes of Health, including the acquisition of
 13 real property, \$36,390,000, to remain available until ex-
 14 pended.

15 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

16 ADMINISTRATION

17 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

18 (INCLUDING TRANSFER OF FUNDS)

19 For carrying out titles III, V, and XIX of the Public
 20 Health Service Act (“PHS Act”) with respect to substance
 21 abuse and mental health services and the Protection and
 22 Advocacy for Individuals with Mental Illness Act,
 23 \$3,461,456,000, of which \$10,118,000 shall be used for
 24 the projects, and in the amounts, specified in the explana-
 25 tory statement described in section 4 (in the matter pre-

1 ceding division A of this consolidated Act): *Provided*, That
2 notwithstanding section 520A(f)(2) of the PHS Act, no
3 funds appropriated for carrying out section 520A are
4 available for carrying out section 1971 of the PHS Act:
5 *Provided further*, That in addition to amounts provided
6 herein, the following amounts shall be available under sec-
7 tion 241 of the PHS Act: (1) \$79,200,000 to carry out
8 subpart II of part B of title XIX of the PHS Act to fund
9 section 1935(b) technical assistance, national data, data
10 collection and evaluation activities, and further that the
11 total available under this Act for section 1935(b) activities
12 shall not exceed 5 percent of the amounts appropriated
13 for subpart II of part B of title XIX; (2) \$21,039,000
14 to carry out subpart I of part B of title XIX of the PHS
15 Act to fund section 1920(b) technical assistance, national
16 data, data collection and evaluation activities, and further
17 that the total available under this Act for section 1920(b)
18 activities shall not exceed 5 percent of the amounts appro-
19 priated for subpart I of part B of title XIX; (3)
20 \$23,399,000 to carry out national surveys on drug abuse
21 and mental health; and (4) \$8,596,000 to collect and ana-
22 lyze data and evaluate substance abuse treatment pro-
23 grams: *Provided further*, That section 520E(b)(2) of the
24 PHS Act shall not apply to funds appropriated under this
25 Act for fiscal year 2011.

1 For an additional amount to carry out the activities
2 listed, and in the amounts specified, under the heading
3 “Prevention and Public Health Fund” in the explanatory
4 statement described in section 4 (in the matter preceding
5 division A of this consolidated Act), \$88,000,000, to be
6 derived by transfer from funds appropriated under section
7 4002 of the Patient Protection and Affordable Care Act:
8 *Provided*, That such funds shall not be available for fur-
9 ther transfer under authority granted in this or any other
10 Act: *Provided further*, That the amounts shall be trans-
11 ferred within 45 days of enactment of this Act.

12 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY
13 HEALTHCARE RESEARCH AND QUALITY
14 (INCLUDING TRANSFER OF FUNDS)

15 For carrying out titles III and IX of the Public
16 Health Service Act (“PHS Act”), part A of title XI of
17 the Social Security Act, and section 1013 of the Medicare
18 Prescription Drug, Improvement, and Modernization Act
19 of 2003, amounts received from Freedom of Information
20 Act fees, reimbursable and interagency agreements, and
21 the sale of data shall be credited to this appropriation and
22 shall remain available until expended: *Provided*, That the
23 amount made available pursuant to section 947(c) of the
24 PHS Act shall not exceed \$403,700,000.

1 For an additional amount to carry out the activities
2 listed, and in the amounts specified, under the heading
3 “Prevention and Public Health Fund” in the explanatory
4 statement described in section 4 (in the matter preceding
5 division A of this consolidated Act), \$12,000,000, to be
6 derived by transfer from funds appropriated under section
7 4002 of the Patient Protection and Affordable Care Act:
8 *Provided*, That such funds shall not be available for fur-
9 ther transfer under authority granted in this or any other
10 Act: *Provided further*, That the amounts shall be trans-
11 ferred within 45 days of enactment of this Act.

12 CENTERS FOR MEDICARE AND MEDICAID SERVICES

13 GRANTS TO STATES FOR MEDICAID

14 For carrying out, except as otherwise provided, titles
15 XI and XIX of the Social Security Act, \$173,143,799,000,
16 to remain available until expended.

17 For making, after May 31, 2011, payments to States
18 or in the case of section 1928 on behalf of States under
19 title XIX of the Social Security Act for the last quarter
20 of fiscal year 2011 for unanticipated costs, incurred for
21 the current fiscal year, such sums as may be necessary.

22 For making payments to States or in the case of sec-
23 tion 1928 on behalf of States under title XIX of the Social
24 Security Act for the first quarter of fiscal year 2012,
25 \$86,445,289,000, to remain available until expended.

1 Payment under title XIX may be made for any quar-
2 ter with respect to a State plan or plan amendment in
3 effect during such quarter, if submitted in or prior to such
4 quarter and approved in that or any subsequent quarter.

5 PAYMENTS TO HEALTHCARE TRUST FUNDS

6 For payment to the Federal Hospital Insurance
7 Trust Fund and the Federal Supplementary Medical In-
8 surance Trust Fund, as provided under sections 217(g),
9 1844, and 1860D–16 of the Social Security Act, sections
10 103(c) and 111(d) of the Social Security Amendments of
11 1965, section 278(d) of Public Law 97–248, and for ad-
12 ministrative expenses incurred pursuant to section 201(g)
13 of the Social Security Act, \$229,624,000,000.

14 In addition, for making matching payments under
15 section 1844, and benefit payments under section 1860D–
16 16 of the Social Security Act, not anticipated in budget
17 estimates, such sums as may be necessary.

18 PROGRAM MANAGEMENT

19 For carrying out, except as otherwise provided, titles
20 XI, XVIII, XIX, and XXI of the Social Security Act, titles
21 XIII and XXVII of the Public Health Service Act (“PHS
22 Act”), the Clinical Laboratory Improvement Amendments
23 of 1988, the Patient Protection and Affordable Care Act,
24 and the Health Care and Education Reconciliation Act of
25 2010, not to exceed \$3,646,147,000, to be transferred

1 from the Federal Hospital Insurance Trust Fund and the
2 Federal Supplementary Medical Insurance Trust Fund, as
3 authorized by section 201(g) of the Social Security Act;
4 together with all funds collected in accordance with section
5 353 of the PHS Act and section 1857(e)(2) of the Social
6 Security Act, funds retained by the Secretary of Health
7 and Human Services pursuant to section 302 of the Tax
8 Relief and Health Care Act of 2006; and such sums as
9 may be collected from authorized user fees and the sale
10 of data, which shall be credited to this account and remain
11 available until expended: *Provided*, That all funds derived
12 in accordance with 31 U.S.C. 9701 from organizations es-
13 tablished under title XIII of the PHS Act shall be credited
14 to and available for carrying out the purposes of this ap-
15 propriation: *Provided further*, That \$37,687,000, to re-
16 main available through September 30, 2012, shall be for
17 contract costs for the Healthcare Integrated General
18 Ledger Accounting System: *Provided further*, That
19 \$9,120,000, to remain available through September 30,
20 2012, shall be for the Centers for Medicare and Medicaid
21 Services (“CMS”) Medicare contracting reform activities:
22 *Provided further*, That \$50,000,000 shall be available for
23 the State high risk health insurance pool program as au-
24 thorized by the State High Risk Pool Funding Extension
25 Act of 2006: *Provided further*, That the Secretary is di-

1 rected to collect fees in fiscal year 2011 from Medicare
2 Advantage organizations pursuant to section 1857(e)(2)
3 of the Social Security Act and from eligible organizations
4 with risk-sharing contracts under section 1876 of that Act
5 pursuant to section 1876(k)(4)(D) of that Act: *Provided*
6 *further*, That \$4,415,000 shall be used for the projects,
7 and in the amounts, specified under the heading “Pro-
8 gram Management” in the explanatory statement de-
9 scribed in section 4 (in the matter preceding division A
10 of this consolidated Act).

11 HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

12 In addition to amounts otherwise available for pro-
13 gram integrity and program management, \$471,000,000,
14 to remain available through September 30, 2012, to be
15 transferred from the Federal Hospital Insurance Trust
16 Fund and the Federal Supplementary Medical Insurance
17 Trust Fund, as authorized by section 201(g) of the Social
18 Security Act, of which \$280,640,000 shall be for the Medi-
19 care Integrity Program at the Centers for Medicare and
20 Medicaid Services, including administrative costs, to con-
21 duct oversight activities for Medicare Advantage and the
22 Medicare Prescription Drug Program authorized in title
23 XVIII of the Social Security Act and for activities listed
24 in section 1893 of such Act; of which \$79,657,000 shall
25 be for the Department of Health and Human Services Of-

1 fice of Inspector General to carry out fraud and abuse ac-
2 tivities authorized by section 1817(k)(3) of such Act; of
3 which \$35,100,000 shall be for the Medicaid and Chil-
4 dren's Health Insurance Program ("CHIP") program in-
5 tegrity activities; and of which \$75,603,000 shall be for
6 the Department of Justice to carry out fraud and abuse
7 activities authorized by section 1817(k)(3) of such Act:
8 *Provided*, That the report required by section 1817(k)(5)
9 of the Social Security Act for fiscal year 2011 shall include
10 measures of the operational efficiency and impact on
11 fraud, waste, and abuse in the Medicare, Medicaid, and
12 CHIP programs for the funds provided by this appropria-
13 tion.

14 ADMINISTRATION FOR CHILDREN AND FAMILIES

15 PAYMENTS TO STATES FOR CHILD SUPPORT

16 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

17 For making payments to States or other non-Federal
18 entities under titles I, IV-D, X, XI, XIV, and XVI of the
19 Social Security Act and the Act of July 5, 1960,
20 \$2,482,814,000, to remain available until expended; and
21 for such purposes for the first quarter of fiscal year 2012,
22 \$1,200,000,000, to remain available until expended.

23 For making payments to each State for carrying out
24 the program of Aid to Families with Dependent Children
25 under title IV-A of the Social Security Act before the ef-

1 fective date of the program of Temporary Assistance for
2 Needy Families with respect to such State, such sums as
3 may be necessary: *Provided*, That the sum of the amounts
4 available to a State with respect to expenditures under
5 such title IV–A in fiscal year 1997 under this appropria-
6 tion and under such title IV–A as amended by the Per-
7 sonal Responsibility and Work Opportunity Reconciliation
8 Act of 1996 shall not exceed the limitations under section
9 116(b) of such Act.

10 For making, after May 31 of the current fiscal year,
11 payments to States or other non-Federal entities under
12 titles I, IV–D, X, XI, XIV, and XVI of the Social Security
13 Act and the Act of July 5, 1960, for the last 3 months
14 of the current fiscal year for unanticipated costs, incurred
15 for the current fiscal year, such sums as may be necessary.

16 LOW INCOME HOME ENERGY ASSISTANCE

17 For making payments under subsections (b), (d), and
18 (e) of section 2602 of the Low Income Home Energy As-
19 sistance Act of 1981, \$5,000,000,000, of which
20 \$4,509,672,000 shall be for payments under subsections
21 (b) and (d) of such section; and of which \$490,328,000
22 shall be for payments under subsection (e) of such section,
23 to be made notwithstanding the designation requirements
24 of such subsection: *Provided*, That all but \$839,792,000
25 of the amount provided in this Act for subsections (b) and

1 (d) shall be allocated as though the total appropriation
2 for such payments for fiscal year 2011 was less than
3 \$1,975,000,000: *Provided further*, That notwithstanding
4 section 2605(b)(2)(B)(ii) of such Act, a State may use any
5 amount of an allotment from prior appropriations Acts
6 that is available to that State for providing assistance in
7 fiscal year 2011, and any allotment from funds appro-
8 priated in this Act or any other appropriations Act for
9 fiscal year 2011, to provide assistance to households whose
10 income does not exceed 75 percent of the State median
11 income: *Provided further*, That notwithstanding section
12 2609(A)(a), of the amounts appropriated under section
13 2602(b), not more than \$5,000,000 of such amounts may
14 be reserved by the Secretary of Health and Human Serv-
15 ices for technical assistance, training, and monitoring of
16 program activities for compliance with internal controls,
17 policies, and procedures.

18 REFUGEE AND ENTRANT ASSISTANCE

19 For necessary expenses for refugee and entrant as-
20 sistance activities authorized by section 414 of the Immi-
21 gration and Nationality Act and section 501 of the Ref-
22 ugee Education Assistance Act of 1980, for carrying out
23 section 462 of the Homeland Security Act of 2002, section
24 235 of the William Wilberforce Trafficking Victims Pro-
25 tection Reauthorization Act of 2008, and the Trafficking

1 Victims Protection Act of 2000, for costs associated with
2 the care and placement of unaccompanied alien children,
3 and for carrying out the Torture Victims Relief Act of
4 1998, \$767,102,000, of which up to \$10,814,000 shall be
5 available to carry out the Trafficking Victims Protection
6 Act of 2000: *Provided*, That funds appropriated under this
7 heading pursuant to section 414(a) of the Immigration
8 and Nationality Act, section 462 of the Homeland Secu-
9 rity Act of 2002, section 235 of the William Wilberforce
10 Trafficking Victims Protection Reauthorization Act of
11 2008, and the Trafficking Victims Protection Act of 2000
12 for fiscal year 2011 shall be available for the costs of as-
13 sistance provided and other activities to remain available
14 through September 30, 2013: *Provided further*, That
15 amounts available herein for refugee school impact grants
16 under title IV of the Immigration and Nationality Act
17 shall also be available for grants by the Secretary of
18 Health and Human Services to States for the purpose of
19 assisting school districts serving significant numbers of
20 children who entered the United States from Haiti during
21 the period January 12, 2010 through May 31, 2010 and
22 who are United States citizens or Haitian nationals, to
23 meet the educational and related needs of such children.

1 PAYMENTS TO STATES FOR THE CHILD CARE AND
2 DEVELOPMENT BLOCK GRANT

3 For carrying out the Child Care and Development
4 Block Grant Act of 1990, \$2,808,080,000 shall be used
5 to supplement, not supplant State general revenue funds
6 for child care assistance for low-income families: *Provided*,
7 That \$23,224,000 shall be available for child care resource
8 and referral and school-aged child care activities, of which
9 \$1,000,000 shall be for the Child Care Aware toll-free hot-
10 line: *Provided further*, That, in addition to the amounts
11 required to be reserved by the States under section 658G,
12 \$358,292,000 shall be reserved by the States for activities
13 authorized under section 658G, of which \$131,400,000
14 shall be for activities that improve the quality of infant
15 and toddler care: *Provided further*, That \$9,910,000 shall
16 be for use by the Secretary of Health and Human Services
17 for child care research, demonstration, and evaluation ac-
18 tivities.

19 SOCIAL SERVICES BLOCK GRANT

20 For making grants to States pursuant to section
21 2002 of the Social Security Act, \$1,700,000,000: *Pro-*
22 *vided*, That notwithstanding subparagraph (B) of section
23 404(d)(2) of such Act, the applicable percent specified
24 under such subparagraph for a State to carry out State

1 programs pursuant to title XX of such Act shall be 10
2 percent.

3 CHILDREN AND FAMILIES SERVICES PROGRAMS

4 (INCLUDING TRANSFER OF FUNDS)

5 For carrying out, except as otherwise provided, the
6 Runaway and Homeless Youth Act, the Developmental
7 Disabilities Assistance and Bill of Rights Act, the Head
8 Start Act, the Child Abuse Prevention and Treatment Act,
9 sections 310 and 316 of the Family Violence Prevention
10 and Services Act, the Native American Programs Act of
11 1974, title II of the Child Abuse Prevention and Treat-
12 ment and Adoption Reform Act of 1978 (adoption oppor-
13 tunities), the Abandoned Infants Assistance Act of 1988,
14 sections 261 and 291 of the Help America Vote Act of
15 2002, part B-1 of title IV and sections 413, 1110, and
16 1115 of the Social Security Act; for making payments
17 under the Community Services Block Grant Act (“CSBG
18 Act”), sections 439(i), 473B, and 477(i) of the Social Se-
19 curity Act, and the Assets for Independence Act; and for
20 necessary administrative expenses to carry out such Acts
21 and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social
22 Security Act, the Act of July 5, 1960, the Low Income
23 Home Energy Assistance Act of 1981, title IV of the Im-
24 migration and Nationality Act, section 501 of the Refugee
25 Education Assistance Act of 1980, and section 505 of the

1 Family Support Act of 1988, \$10,301,491,000, of which
2 \$42,000,000, to remain available through September 30,
3 2012, shall be for grants to States for adoption incentive
4 payments, as authorized by section 473A of the Social Se-
5 curity Act and may be made for adoptions completed be-
6 fore September 30, 2011: *Provided*, That \$8,074,783,000
7 shall be for making payments under the Head Start Act:
8 *Provided further*, That for purposes of allocating funds de-
9 scribed by the immediately preceding proviso, the following
10 provisions shall apply: (1) the term “base grant” as used
11 in section 640(a)(7)(A) of such Act with respect to fund-
12 ing provided to a Head Start agency (including Early
13 Head Start) for fiscal year 2010 shall be deemed to in-
14 clude funds appropriated in the American Recovery and
15 Reinvestment Act of 2009 (“ARRA”) and provided to
16 such agency for carrying out expansion of Head Start pro-
17 grams, as that phrase is used in subsection (a)(4)(D) of
18 such section 640, and provided to such agency as the on-
19 going funding level for operations in the 12 month budget
20 period beginning in fiscal year 2010; (2) in subparagraph
21 (C) of subsection (a)(2) of such section, the phrase “not
22 less than 2.5 percent” shall be deemed to read “not less
23 than 2.661 percent”; (3) the amount reserved under sub-
24 paragraph (C) of subsection (a)(2) of such section shall
25 be less than the amount that would be reserved under such

1 subparagraph absent this proviso by a sum of \$5,131,935;
2 (4) the amount reserved under subparagraph (E) of sub-
3 section (a)(2) of such section shall be more than the
4 amount that would be reserved under such subparagraph
5 absent this proviso by a sum of \$15,000,000; (5) of all
6 amounts reserved under subparagraph (E) of subsection
7 (a)(2) of such section, the Secretary of Health and Human
8 Services shall use an amount of not less than \$15,000,000
9 for the purpose of reducing fraud and abuse in the Head
10 Start (including Early Head Start) program; (6) sub-
11 section (a)(3) of such section shall be deemed to read as
12 follows: “From any amount remaining for a fiscal year
13 after the Secretary carries out paragraph (2), the Sec-
14 retary shall provide \$10,000,000 for Indian Head Start
15 programs (including Early Head Start programs), and
16 \$10,000,000 for migrant and seasonal Head Start pro-
17 grams, to increase enrollment in the programs involved”;
18 and (7) the text of paragraph (4)(B)(i) of such section
19 shall be deemed to read as follows: “Under the cir-
20 cumstances described in clause (ii), from the balance, the
21 Secretary shall reserve remaining amounts, to be allotted
22 to each Head Start agency (including Early Head Start)
23 in an amount that bears the same ratio to such remaining
24 amounts as the funds appropriated in ARRA and provided
25 to such agency for carrying out quality improvement ac-

1 tivities of Head Start programs, as that phrase is used
2 in paragraph (5) of this subsection (which funds shall be
3 referred to in this proviso as such agency's 'ARRA quality
4 improvement funds') bear to the total of all such agencies'
5 ARRA quality improvement funds, to carry out such qual-
6 ity improvement activities": *Provided further*, That
7 \$850,000,000 shall be for making payments under the
8 CSBG Act, of which \$55,000,000 shall be for section
9 680(a)(2) of the CSBG Act: *Provided further*, That not
10 less than \$10,000,000 shall be for section 680(a)(3)(B)
11 of the CSBG Act: *Provided further*, That in addition to
12 amounts provided herein, \$5,762,000 shall be available
13 from amounts available under section 241 of the Public
14 Health Service Act to carry out the provisions of section
15 1110 of the Social Security Act: *Provided further*, That
16 to the extent Community Services Block Grant funds are
17 distributed as grant funds by a State to an eligible entity
18 as provided under the CSBG Act, and have not been ex-
19 pended by such entity, they shall remain with such entity
20 for carryover into the next fiscal year for expenditure by
21 such entity consistent with program purposes: *Provided*
22 *further*, That the Secretary of Health and Human Services
23 shall establish procedures regarding the disposition of in-
24 tangible assets and program income that permit such as-
25 sets acquired with, and program income derived from,

1 grant funds authorized under section 680 of the CSBG
2 Act to become the sole property of such grantees after a
3 period of not more than 12 years after the end of the
4 grant period for any activity consistent with section
5 680(a)(2)(A) of the CSBG Act: *Provided further*, That in-
6 tangible assets in the form of loans, equity investments
7 and other debt instruments, and program income may be
8 used by grantees for any eligible purpose consistent with
9 section 680(a)(2)(A) of the CSBG Act: *Provided further*,
10 That these procedures shall apply to such grant funds
11 made available after November 29, 1999: *Provided further*,
12 That funds appropriated for section 680(a)(2) of the
13 CSBG Act shall be available for financing construction
14 and rehabilitation and loans or investments in private
15 business enterprises owned by community development
16 corporations: *Provided further*, That \$17,410,000 shall be
17 for activities authorized by the Help America Vote Act of
18 2002, of which \$12,154,000 shall be for payments to
19 States to promote access for voters with disabilities, and
20 of which \$5,256,000 shall be for payments to States for
21 protection and advocacy systems for voters with disabili-
22 ties: *Provided further*, That \$2,000,000 shall be for a
23 human services case management system for federally de-
24 clared disasters, to include a comprehensive national case
25 management contract and Federal costs of administering

1 the system: *Provided further*, That up to \$2,000,000 shall
2 be for improving the Public Assistance Reporting Informa-
3 tion System, including grants to States to support data
4 collection for a study of the system's effectiveness: *Pro-*
5 *vided further*, That of the funds appropriated under this
6 heading, \$1,500,000 shall be transferred to the National
7 Commission on Children and Disasters to carry out title
8 VI of division G of Public Law 110–161, and notwith-
9 standing section 611(d)(1) of such title, the National
10 Commission on Children and Disasters shall terminate on
11 October 1, 2011: *Provided further*, That \$22,627,000 shall
12 be used for the projects, and in the amounts, as specified
13 in the explanatory statement described in section 4 (in the
14 matter preceding division A of this consolidated Act).

15 PROMOTING SAFE AND STABLE FAMILIES

16 For carrying out section 436 of the Social Security
17 Act, \$365,000,000 and section 437 of such Act,
18 \$63,311,000.

19 PAYMENTS FOR FOSTER CARE AND PERMANENCY

20 For making payments to States or other non-Federal
21 entities under title IV–E of the Social Security Act,
22 \$5,366,000,000.

23 For making payments to States or other non-Federal
24 entities under title IV–E of the Social Security Act, for
25 the first quarter of fiscal year 2012, \$1,850,000,000.

1 For making, after May 31 of the current fiscal year,
2 payments to States or other non-Federal entities under
3 section 474 of title IV–E of the Social Security Act, for
4 the last 3 months of the current fiscal year for unantici-
5 pated costs, incurred for the current fiscal year, such sums
6 as may be necessary.

7 ADMINISTRATION ON AGING

8 AGING SERVICES PROGRAMS

9 For carrying out, to the extent not otherwise pro-
10 vided, the Older Americans Act of 1965 (“OAA”), section
11 398 and title XXIX of the Public Health Service Act
12 (“PHS Act”), and section 119 of the Medicare Improve-
13 ments for Patients and Providers Act of 2008 and for nec-
14 essary administrative expenses to carry out title XVII of
15 the PHS Act, \$1,633,078,000: *Provided*, That \$3,500,000
16 shall be used for the projects, and in the amounts, as spec-
17 ified in the explanatory statement described in section 4
18 (in the matter preceding division A of this consolidated
19 Act): *Provided further*, That amounts under this heading
20 shall be available for grants to States under section 361
21 of the OAA only for disease prevention and health pro-
22 motion programs and activities which have been dem-
23 onstrated to the satisfaction of the Secretary of Health
24 and Human Services to be evidence-based and effective:
25 *Provided further*, That the total amount available for fiscal

1 year 2011 under this and any other Act, to carry out ac-
2 tivities relating to Aging and Disability Resource Centers
3 under subsections (a)(20)(B)(iii) and (b)(8) of section 202
4 of the OAA, shall not exceed the amount obligated for
5 such purposes for fiscal year 2010 from funds available
6 under Public Law 111–117.

7 OFFICE OF THE SECRETARY

8 GENERAL DEPARTMENTAL MANAGEMENT

9 (INCLUDING TRANSFER OF FUNDS)

10 For necessary expenses, not otherwise provided, for
11 general departmental management, including hire of six
12 sedans, and for carrying out titles III, IV, XVII, XX, XXI,
13 and XXVII of the Public Health Service Act (“PHS
14 Act”), the United States-Mexico Border Health Commis-
15 sion Act, and research studies under section 1110 of the
16 Social Security Act, \$574,149,000; of which \$53,891,000
17 shall be for minority AIDS prevention and treatment ac-
18 tivities: *Provided*, That in addition to amounts provided
19 herein, \$65,211,000 shall be available from amounts avail-
20 able under section 241 of the PHS Act to carry out na-
21 tional health or human services research and evaluation
22 activities, of which \$4,455,000 shall be available to carry
23 out evaluations (including longitudinal evaluations) of
24 teenage pregnancy prevention approaches: *Provided fur-*
25 *ther*, That none of the funds made available under this

1 heading shall be available for carrying out activities speci-
2 fied under section 2003(b)(2) or (3) of title XX of the
3 PHS Act: *Provided further*, That of the funds made avail-
4 able under this heading, \$110,000,000 shall be for making
5 competitive contracts and grants to public and private en-
6 tities to fund medically accurate and age appropriate pro-
7 grams that reduce teen pregnancy and for the Federal
8 costs associated with administering and evaluating such
9 contracts and grants, of which not less than \$75,000,000
10 shall be for replicating programs that have been proven
11 effective through rigorous evaluation to reduce teenage
12 pregnancy, behavioral risk factors underlying teenage
13 pregnancy, or other associated risk factors, of which not
14 less than \$25,000,000 shall be available for research and
15 demonstration grants to develop, replicate, refine, and test
16 additional models and innovative strategies for preventing
17 teenage pregnancy, and of which any remaining amounts
18 shall be available for training and technical assistance,
19 evaluation, outreach, and additional program support ac-
20 tivities: *Provided further*, That of the funds made available
21 under this heading, \$7,000,000 shall be available only to
22 increase the Department's acquisition workforce capacity
23 and capabilities, and may be transferred by the Secretary
24 of Health and Human Services for that purpose to any
25 other account in the Department (in addition to any other

1 transfer authority provided in this Act): *Provided further*,
2 That funds available under the previous proviso shall be
3 used only to supplement and not to supplant existing ac-
4 quisition workforce activities and may be used for train-
5 ing, recruitment, retention, and hiring additional members
6 of the acquisition workforce (as defined by the Office of
7 Federal Procurement Policy Act), for information tech-
8 nology in support of acquisition workforce effectiveness,
9 or for activities to improve acquisition management: *Pro-*
10 *vided further*, That \$3,165,000 shall be used for the
11 projects, and in the amounts, specified in the explanatory
12 statement described in section 4 (in the matter preceding
13 division A of this consolidated Act).

14 OFFICE OF MEDICARE HEARINGS AND APPEALS

15 For expenses necessary for administrative law judges
16 responsible for hearing cases under title XVIII of the So-
17 cial Security Act (and related provisions of title XI of such
18 Act), \$77,798,000, to be transferred in appropriate part
19 from the Federal Hospital Insurance Trust Fund and the
20 Federal Supplementary Medical Insurance Trust Fund.

21 OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH

22 INFORMATION TECHNOLOGY

23 For expenses necessary for the Office of the National
24 Coordinator for Health Information Technology, including
25 grants, contracts, and cooperative agreements for the de-

1 velopment and advancement of interoperable health infor-
2 mation technology, \$38,734,000: *Provided*, That in addi-
3 tion to amounts provided herein, \$31,108,000 shall be
4 available from amounts available under section 241 of the
5 Public Health Service Act.

6 OFFICE OF INSPECTOR GENERAL

7 For expenses necessary for the Office of Inspector
8 General, including the hire of passenger motor vehicles for
9 investigations, in carrying out the provisions of the Inspec-
10 tor General Act of 1978, \$60,754,000: *Provided*, That of
11 such amount, necessary sums shall be available for pro-
12 viding protective services to the Secretary of Health and
13 Human Services and investigating non-payment of child
14 support cases for which non-payment is a Federal offense
15 under 18 U.S.C. 228: *Provided further*, That at least 40
16 percent of the funds provided in this Act for the Office
17 of Inspector General shall be used only for investigations,
18 audits, and evaluations pertaining to the discretionary
19 programs funded in this Act.

20 OFFICE FOR CIVIL RIGHTS

21 For expenses necessary for the Office for Civil
22 Rights, \$44,382,000.

1 the U.S. Postal Service to support delivery of medical
2 countermeasures.

3 From funds transferred to this account pursuant to
4 the fourth paragraph under this heading in Public Law
5 111–117, up to \$476,194,000 shall be available for ex-
6 penses necessary to support advanced research and devel-
7 opment pursuant to section 319L of the Public Health
8 Service Act, and other administrative expenses of the Bio-
9 medical Advanced Research and Development Authority.

10 For expenses necessary to prepare for and respond
11 to an influenza pandemic, \$65,000,000.

12 For expenses necessary for fit-out and other costs re-
13 lated to a competitive lease procurement to renovate or
14 replace the existing headquarters building for Public
15 Health Service agencies and other components of the De-
16 partment of Health and Human Services, \$35,000,000, to
17 remain available until expended.

18 From funds provided under this heading in Public
19 Laws 111–8 and 111–117 and available for expenses nec-
20 essary to prepare for and respond to an influenza pan-
21 demic, \$170,000,000 may also be used (1) to plan, con-
22 duct, and support research to advance regulatory science
23 to improve the ability to determine safety, effectiveness,
24 quality, and performance of medical countermeasure prod-
25 ucts against chemical, biological, radiological, and nuclear

1 agents including influenza virus, and (2) to analyze, con-
2 duct, and improve regulatory review and compliance proc-
3 esses for such products.

4 From funds provided without fiscal year limitation
5 under this heading in Public Law 111-32, \$1,259,000,000
6 are rescinded, to be derived only from those amounts
7 which have not yet been designated by the President as
8 emergency funds.

9 GENERAL PROVISIONS

10 SEC. 201. Funds appropriated in this title shall be
11 available for not to exceed \$50,000 for official reception
12 and representation expenses when specifically approved by
13 the Secretary of Health and Human Services.

14 SEC. 202. The Secretary of Health and Human Serv-
15 ices shall make available through assignment not more
16 than 60 employees of the Public Health Service to assist
17 in child survival activities and to work in AIDS programs
18 through and with funds provided by the Agency for Inter-
19 national Development, the United Nations International
20 Children's Emergency Fund or the World Health Organi-
21 zation.

22 SEC. 203. None of the funds appropriated in this Act
23 for the National Institutes of Health, the Agency for
24 Healthcare Research and Quality, and the Substance
25 Abuse and Mental Health Services Administration shall

1 be used to pay the salary of an individual, through a grant
2 or other extramural mechanism, at a rate in excess of Ex-
3 ecutive Level I.

4 SEC. 204. None of the funds appropriated in this Act
5 may be expended pursuant to section 241 of the Public
6 Health Service Act, except for funds specifically provided
7 for in this Act, or for other taps and assessments made
8 by any office located in the Department of Health and
9 Human Services, prior to the preparation and submission
10 of a report by the Secretary of Health and Human Serv-
11 ices to the Committees on Appropriations of the House
12 of Representatives and the Senate detailing the planned
13 uses of such funds.

14 SEC. 205. Notwithstanding section 241(a) of the
15 Public Health Service Act, such portion as the Secretary
16 of Health and Human Services shall determine, but not
17 more than 2.5 percent, of any amounts appropriated for
18 programs authorized under such Act shall be made avail-
19 able for the evaluation (directly, or by grants or contracts)
20 of the implementation and effectiveness of such programs.

21 (TRANSFER OF FUNDS)

22 SEC. 206. Not to exceed 1 percent of any discre-
23 tionary funds (pursuant to the Balanced Budget and
24 Emergency Deficit Control Act of 1985) which are appro-
25 priated for the current fiscal year for the Department of

1 Health and Human Services in this Act may be trans-
2 ferred between appropriations, but no such appropriation
3 shall be increased by more than 3 percent by any such
4 transfer: *Provided*, That with respect to appropriations in
5 this Act for “Health Resources and Services”, “Disease
6 Control, Research, and Training”, and “Substance Abuse
7 and Mental Health Services”, no transfer of funds under
8 this section may decrease any individual program, project,
9 or activity by more than 1 percent or increase any pro-
10 gram, project, or activity by more than 3 percent: *Provided*
11 *further*, That the transfer authority granted by this section
12 shall not be used to create any new program or to fund
13 any project or activity for which no funds are provided
14 in this Act: *Provided further*, That the Committees on Ap-
15 propriations of the House of Representatives and the Sen-
16 ate shall be notified not less than 15 days in advance of
17 any transfer under this section, with such notification to
18 include an explanation of the effects of the proposed trans-
19 fer by program, project, and activity.

20 (TRANSFER OF FUNDS)

21 SEC. 207. The Director of the National Institutes of
22 Health, jointly with the Director of the Office of AIDS
23 Research, may transfer up to 3 percent among institutes
24 and centers from the total amounts identified by these two
25 Directors as funding for research pertaining to the human

1 immunodeficiency virus: *Provided*, That the Committees
2 on Appropriations of the House of Representatives and the
3 Senate are notified at least 15 days in advance of any
4 transfer.

5 (TRANSFER OF FUNDS)

6 SEC. 208. Of the amounts made available in this Act
7 for the National Institutes of Health, the amount for re-
8 search related to the human immunodeficiency virus, as
9 jointly determined by the Director of the National Insti-
10 tutes of Health and the Director of the Office of AIDS
11 Research, shall be made available to the “Office of AIDS
12 Research” account. The Director of the Office of AIDS
13 Research shall transfer from such account amounts nec-
14 essary to carry out section 2353(d)(3) of the Public
15 Health Service Act.

16 SEC. 209. None of the funds appropriated in this Act
17 may be made available to any entity under title X of the
18 Public Health Service Act unless the applicant for the
19 award certifies to the Secretary of Health and Human
20 Services that it encourages family participation in the de-
21 cision of minors to seek family planning services and that
22 it provides counseling to minors on how to resist attempts
23 to coerce minors into engaging in sexual activities.

24 SEC. 210. Notwithstanding any other provision of
25 law, no provider of services under title X of the Public

1 Health Service Act shall be exempt from any State law
2 requiring notification or the reporting of child abuse, child
3 molestation, sexual abuse, rape, or incest.

4 SEC. 211. None of the funds appropriated by this Act
5 (including funds appropriated to any trust fund) may be
6 used to carry out the Medicare Advantage program if the
7 Secretary of Health and Human Services denies participa-
8 tion in such program to an otherwise eligible entity (in-
9 cluding a Provider Sponsored Organization) because the
10 entity informs the Secretary that it will not provide, pay
11 for, provide coverage of, or provide referrals for abortions:
12 *Provided*, That the Secretary shall make appropriate pro-
13 spective adjustments to the capitation payment to such an
14 entity (based on an actuarially sound estimate of the ex-
15 pected costs of providing the service to such entity's enroll-
16 ees): *Provided further*, That nothing in this section shall
17 be construed to change the Medicare program's coverage
18 for such services and a Medicare Advantage organization
19 described in this section shall be responsible for informing
20 enrollees where to obtain information about all Medicare
21 covered services.

22 SEC. 212. In order for the Department of Health and
23 Human Services to carry out international health activi-
24 ties, including HIV/AIDS and other infectious disease,

1 chronic and environmental disease, and other health ac-
2 tivities abroad during fiscal year 2011:

3 (1) The Secretary of Health and Human Serv-
4 ices may exercise authority equivalent to that avail-
5 able to the Secretary of State in section 2(c) of the
6 State Department Basic Authorities Act of 1956.
7 The Secretary of Health and Human Services shall
8 consult with the Secretary of State and relevant
9 Chief of Mission to ensure that the authority pro-
10 vided in this section is exercised in a manner con-
11 sistent with section 207 of the Foreign Service Act
12 of 1980 and other applicable statutes administered
13 by the Department of State.

14 (2) The Secretary of Health and Human Serv-
15 ices is authorized to provide such funds by advance
16 or reimbursement to the Secretary of State as may
17 be necessary to pay the costs of acquisition, lease,
18 alteration, renovation, and management of facilities
19 outside of the United States for the use of the De-
20 partment of Health and Human Services. The De-
21 partment of State shall cooperate fully with the Sec-
22 retary of Health and Human Services to ensure that
23 the Department of Health and Human Services has
24 secure, safe, functional facilities that comply with
25 applicable regulation governing location, setback,

1 and other facilities requirements and serve the pur-
2 poses established by this Act. The Secretary of
3 Health and Human Services is authorized, in con-
4 sultation with the Secretary of State, through grant
5 or cooperative agreement, to make available to pub-
6 lic or nonprofit private institutions or agencies in
7 participating foreign countries, funds to acquire,
8 lease, alter, or renovate facilities in those countries
9 as necessary to conduct programs of assistance for
10 international health activities, including activities re-
11 lating to HIV/AIDS and other infectious diseases,
12 chronic and environmental diseases, and other health
13 activities abroad.

14 (3) The Secretary of Health and Human Serv-
15 ices is authorized to provide to personnel appointed
16 or assigned by the Secretary to serve abroad, allow-
17 ances and benefits similar to those provided under
18 chapter 9 of title I of the Foreign Service Act of
19 1980, and 22 U.S.C. 4081 through 4086 and sub-
20 ject to such regulations prescribed by the Secretary.
21 The Secretary is further authorized to provide local-
22 ity-based comparability payments (stated as a per-
23 centage) up to the amount of the locality-based com-
24 parability payment (stated as a percentage) that
25 would be payable to such personnel under section

1 5304 of title 5, United States Code if such person-
2 nel's official duty station were in the District of Co-
3 lumbia. Leaves of absence for personnel under this
4 subsection shall be on the same basis as that pro-
5 vided under subchapter I of chapter 63 of title 5,
6 United States Code, or section 903 of the Foreign
7 Service Act of 1980, to individuals serving in the
8 Foreign Service.

9 SEC. 213. (a) AUTHORITY.—Notwithstanding any
10 other provision of law, the Director of the National Insti-
11 tutes of Health (“Director”) may use funds available
12 under section 402(b)(7) or 402(b)(12) of the Public
13 Health Service Act (“PHS Act”) to enter into trans-
14 actions (other than contracts, cooperative agreements, or
15 grants) to carry out research identified pursuant to such
16 section 402(b)(7) (pertaining to the Common Fund) or re-
17 search and activities described in such section 402(b)(12).

18 (b) PEER REVIEW.—In entering into transactions
19 under subsection (a), the Director may utilize such peer
20 review procedures (including consultation with appropriate
21 scientific experts) as the Director determines to be appro-
22 priate to obtain assessments of scientific and technical
23 merit. Such procedures shall apply to such transactions
24 in lieu of the peer review and advisory council review pro-
25 cedures that would otherwise be required under sections

1 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492,
2 and 494 of the PHS Act.

3 SEC. 214. Funds which are available for Individual
4 Learning Accounts for employees of the Centers for Dis-
5 ease Control and Prevention (“CDC”) and the Agency for
6 Toxic Substances and Disease Registry (“ATSDR”) may
7 be transferred to “Disease Control, Research, and Train-
8 ing”, to be available only for Individual Learning Ac-
9 counts: *Provided*, That such funds may be used for any
10 individual full-time equivalent employee while such em-
11 ployee is employed either by CDC or ATSDR.

12 SEC. 215. Not to exceed \$35,000,000 of funds appro-
13 priated by this Act to the institutes and centers of the
14 National Institutes of Health may be used for alteration,
15 repair, or improvement of facilities, as necessary for the
16 proper and efficient conduct of the activities authorized
17 herein, at not to exceed \$2,500,000 per project.

18 (TRANSFER OF FUNDS)

19 SEC. 216. Of the amounts made available for the Na-
20 tional Institutes of Health, 1 percent of the amount made
21 available for National Research Service Awards
22 (“NRSA”) shall be made available to the Administrator
23 of the Health Resources and Services Administration to
24 make NRSA awards for research in primary medical care
25 to individuals affiliated with entities who have received

1 grants or contracts under section 747 of the Public Health
2 Service Act, and 1 percent of the amount made available
3 for NRSA shall be made available to the Director of the
4 Agency for Healthcare Research and Quality to make
5 NRSA awards for health service research.

6 SEC. 217. Henceforth, no funds appropriated for a
7 fiscal year in this or any other or any subsequent Act shall
8 be subject to the allocation requirements of section
9 1707A(e) of the Public Health Service Act.

10 SEC. 218. (a) IN GENERAL.—The Health Education
11 Assistance Loan (“HEAL”) program under title VII, part
12 A, subpart I of the Public Health Service Act, and the
13 authority to administer such program, including servicing,
14 collecting, and enforcing any loans that were made under
15 such program that remain outstanding, shall be perma-
16 nently transferred from the Secretary of Health and
17 Human Services to the Secretary of Education.

18 (b) TRANSFER OF FUNCTIONS, ASSETS, AND LIABIL-
19 ITIES.—The functions, assets, and liabilities of the Sec-
20 retary of Health and Human Services relating to such pro-
21 gram shall be transferred to the Secretary of Education.

22 (c) USE OF AUTHORITIES UNDER HIGHER EDU-
23 CATION ACT OF 1965.—In servicing, collecting, and en-
24 forcing the loans described in subsection (a), the Secretary
25 of Education shall have available any and all authorities

1 available to such Secretary in servicing, collecting, or en-
2 forcing a loan made, insured, or guaranteed under part
3 B of title IV of the Higher Education Act of 1965.

4 SEC. 219. Henceforth, no funds appropriated in an
5 appropriations Act for fiscal year 2011, or in any previous
6 or subsequent appropriations Act, shall be available for
7 transfer under section 274 of the Public Health Service
8 Act.

9 (TRANSFER OF FUNDS)

10 SEC. 220. In addition to any other transfer authority
11 provided by this Act, the Director of the National Insti-
12 tutes of Health may transfer funds under the authority
13 granted in section 402A(d) of the Public Health Service
14 Act, if the Committees on Appropriations of the House
15 of Representatives and the Senate are notified not less
16 than 15 days in advance of any such transfer.

17 This title may be cited as the “Department of Health
18 and Human Services Appropriations Act, 2011”.

19 TITLE III

20 DEPARTMENT OF EDUCATION

21 EDUCATION FOR THE DISADVANTAGED

22 For carrying out title I of the Elementary and Sec-
23 ondary Education Act of 1965 (“ESEA”), section 307 of
24 this Act and section 418A of the Higher Education Act
25 of 1965, \$16,387,212,000, of which \$5,453,056,000 shall

1 become available on July 1, 2011, and shall remain avail-
2 able through September 30, 2012, and of which
3 \$10,841,176,000 shall become available on October 1,
4 2011, and shall remain available through September 30,
5 2012, for academic year 2011–2012: *Provided*, That
6 \$6,597,946,000 shall be for basic grants under section
7 1124 of the ESEA: *Provided further*, That up to
8 \$4,000,000 of these funds shall be available to the Sec-
9 retary of Education on October 1, 2010, to obtain annu-
10 ally updated local educational-agency-level census poverty
11 data from the Bureau of the Census: *Provided further*,
12 That \$1,365,031,000 shall be for concentration grants
13 under section 1124A of the ESEA: *Provided further*, That
14 \$3,409,712,000 shall be for targeted grants under section
15 1125 of the ESEA: *Provided further*, That
16 \$3,409,712,000 shall be for education finance incentive
17 grants under section 1125A of the ESEA: *Provided fur-*
18 *ther*, That \$300,000,000 shall be available to carry out
19 section 307 of this Act: *Provided further*, That \$8,167,000
20 shall be to carry out sections 1501 and 1503 of the ESEA:
21 *Provided further*, That \$545,633,000 shall be available for
22 school improvement grants under section 1003(g) of the
23 ESEA, which shall be allocated by the Secretary through
24 the formula described in section 1003(g)(2) and shall be
25 used consistent with the requirements of section 1003(g),

1 except that State and local educational agencies may use
2 such funds, and funds appropriated for section 1003(g)
3 under the American Recovery and Reinvestment Act of
4 2009 (“ARRA”), to serve any school eligible to receive as-
5 sistance under part A of title I that has not made ade-
6 quate yearly progress for at least 2 years or is in the
7 State’s lowest quintile of performance based on proficiency
8 rates and, in the case of secondary schools, notwith-
9 standing the eligibility requirements under section
10 1003(g) of the ESEA, high schools with a graduation rate
11 below 60 percent and their low-performing feeder middle
12 schools irrespective of the eligibility of such middle and
13 high schools to receive assistance under part A of title I
14 of the ESEA: *Provided further*, That the grants provided
15 in accordance with the previous proviso shall not be sub-
16 ject to the requirement published by the Secretary in the
17 Federal Register on October 28, 2010 (75 Fed. Reg.
18 66368) that a local educational agency that has 9 or more
19 tier I and tier II schools not implement the transformation
20 model in more than 50 percent of those schools: *Provided*
21 *further*, That each State educational agency shall ensure
22 that the greater of 40 percent of its allocation under sec-
23 tion 1003(g) of the ESEA, or the amount that bears the
24 same relationship to the State’s allocation under such sec-
25 tion as the sum of the number of students attending high

1 schools with a graduation rate of less than 60 percent and
2 the number of students attending their low-performing
3 feeder middle schools bears to the total number of stu-
4 dents attending schools in the State classified as tier I
5 under the final requirements set forth in 75 Federal Reg-
6 ister 66365 (October 28, 2010), as in effect on the date
7 of enactment of this Act, is spent on improvement activi-
8 ties in such middle schools and high schools, unless the
9 State educational agency determines that all such middle
10 schools and high schools can be served with a lesser
11 amount: *Provided further*, That notwithstanding section
12 1003(g)(5)(A), each State educational agency may estab-
13 lish a maximum subgrant size of not more than
14 \$2,000,000 for each participating school applicable to
15 such funds: *Provided further*, That \$225,000,000 shall be
16 available under section 1502 of the ESEA for a com-
17 prehensive literacy development and education program to
18 advance literacy skills, including pre-literacy skills, read-
19 ing, and writing, for students from birth through grade
20 12, including limited-English-proficient students and stu-
21 dents with disabilities, of which one-half of 1 percent shall
22 be reserved for the Secretary of the Interior for such a
23 program at schools funded by the Bureau of Indian Edu-
24 cation, one-half of 1 percent shall be reserved for grants
25 to the outlying areas for such a program, up to

1 \$21,000,000 may be used to continue the initiative on ad-
2 olescent literacy, \$10,000,000 shall be reserved for for-
3 mula grants to States based on each State's relative share
4 of funds under part A of title I of the ESEA for fiscal
5 year 2010 except that no State shall receive less than
6 \$150,000, to establish or support a State Literacy Team
7 with expertise in literacy development and education for
8 children from birth through grade 12 to assist the State
9 in developing a comprehensive literacy plan, up to 5 per-
10 cent may be reserved for national activities, and the re-
11 mainder shall be used to award competitive grants to State
12 educational agencies for such a program, of which a State
13 educational agency may reserve up to 5 percent for State
14 leadership activities, including technical assistance and
15 training, data collection, reporting, and administration,
16 and shall subgrant not less than 95 percent to local edu-
17 cational agencies or, in the case of early literacy, to local
18 educational agencies or other nonprofit providers of early
19 childhood education that partner with a public or private
20 nonprofit organization or agency with a demonstrated
21 record of effectiveness in improving the early literacy de-
22 velopment of children from birth through kindergarten
23 entry and in providing professional development in early
24 literacy, giving priority to such agencies or other entities
25 serving greater numbers or percentages of disadvantaged

1 children: *Provided further*, That the State educational
2 agency shall ensure that at least 15 percent of the sub-
3 granted funds are used to serve children from birth
4 through age 5, 40 percent are used to serve students in
5 kindergarten through grade 5, and 40 percent are used
6 to serve students in middle and high school including an
7 equitable distribution of funds between middle and high
8 schools: *Provided further*, That eligible entities receiving
9 subgrants from State educational agencies shall use such
10 funds for services and activities that have the characteris-
11 ties of effective literacy instruction through professional
12 development, screening and assessment, targeted interven-
13 tions for students reading below grade level and other re-
14 search-based methods of improving classroom instruction
15 and practice.

16 IMPACT AID

17 For carrying out programs of financial assistance to
18 federally affected schools authorized by title VIII of the
19 Elementary and Secondary Education Act of 1965,
20 \$1,298,581,000, of which \$1,153,000,000 shall be for
21 basic support payments under section 8003(b),
22 \$50,000,000 shall be for payments for children with dis-
23 abilities under section 8003(d), \$18,509,000 shall be for
24 construction under section 8007(b) and shall remain avail-
25 able through September 30, 2012, \$72,208,000 shall be

1 for Federal property payments under section 8002, and
2 \$4,864,000, to remain available until expended, shall be
3 for facilities maintenance under section 8008: *Provided*,
4 That for purposes of computing the amount of a payment
5 for an eligible local educational agency under section
6 8003(a) for school year 2010–2011, children enrolled in
7 a school of such agency that would otherwise be eligible
8 for payment under section 8003(a)(1)(B) of such Act, but
9 due to the deployment of both parents or legal guardians,
10 or a parent or legal guardian having sole custody of such
11 children, or due to the death of a military parent or legal
12 guardian while on active duty (so long as such children
13 reside on Federal property as described in section
14 8003(a)(1)(B)), are no longer eligible under such section,
15 shall be considered as eligible students under such section,
16 provided such students remain in average daily attendance
17 at a school in the same local educational agency they at-
18 tended prior to their change in eligibility status: *Provided*
19 *further*, That for the purpose of determining eligibility for
20 housing claimed under section 8003(a)(4) of such Act, the
21 Secretary of the applicable Federal agency shall for fiscal
22 years 2007, 2008, 2009, and 2010 deem eligible all unoc-
23 cupied housing identified to be demolished as certified by
24 the designated representative of the Secretary of the appli-
25 cable Federal agency, notwithstanding the availability of

1 funds designated for the project being demolished for a
2 period not to exceed 3 years: *Provided further*, That the
3 Secretary of Education shall deem each local educational
4 agency that received a fiscal year 2009 basic support pay-
5 ment for heavily impacted local educational agencies under
6 section 8003(b)(2) of such Act as eligible to receive fiscal
7 year 2010 and 2011 basic support payments for heavily
8 impacted local educational agencies under such section
9 and make a payment to such local educational agency
10 under such section for fiscal years 2010 and 2011.

11 SCHOOL IMPROVEMENT PROGRAMS

12 For carrying out school improvement activities au-
13 thorized by parts A, B, and D of title II, part B of title
14 IV, subpart 9 of part D of title V, parts A and B of title
15 VI, and parts B and C of title VII of the Elementary and
16 Secondary Education Act of 1965 (“ESEA”); the McKin-
17 ney-Vento Homeless Assistance Act; section 203 of the
18 Educational Technical Assistance Act of 2002; the Com-
19 pact of Free Association Amendments Act of 2003; part
20 Z of title VIII of the Higher Education Act (“HEA”); and
21 the Civil Rights Act of 1964, \$5,289,062,000, of which
22 \$5,000,000 shall become available on October 1, 2010 and
23 remain available through September 30, 2011,
24 \$3,450,817,000 shall become available on July 1, 2011,
25 and remain available through September 30, 2012, and

1 of which \$1,681,441,000 shall become available on Octo-
2 ber 1, 2011, and shall remain available through September
3 30, 2012, for academic year 2011–2012: *Provided*, That
4 funds made available to carry out part B of title VII of
5 the ESEA may be used for construction, renovation, and
6 modernization of any elementary school, secondary school,
7 or structure related to an elementary school or secondary
8 school, run by the Department of Education of the State
9 of Hawaii, that serves a predominantly Native Hawaiian
10 student body: *Provided further*, That from the funds re-
11 ferred to in the preceding proviso, not less than
12 \$1,500,000 shall be for a grant to the Department of Edu-
13 cation of the State of Hawaii for the activities described
14 in such proviso and \$1,500,000 shall be for a grant to
15 the University of Hawaii School of Law for a Center of
16 Excellence in Native Hawaiian law: *Provided further*, That
17 from the funds referred to in the second preceding proviso,
18 \$500,000 shall be for part Z of title VIII of the HEA:
19 *Provided further*, That funds made available to carry out
20 part C of title VII of the ESEA may be used for construc-
21 tion: *Provided further*, That up to 100 percent of the funds
22 available to a State educational agency under part D of
23 title II of the ESEA may be used for subgrants described
24 in section 2412(a)(2)(B) of such Act: *Provided further*,
25 That funds made available under this heading for section

1 2421 of the ESEA may be used for activities authorized
2 under section 802 of the Higher Education Opportunity
3 Act: *Provided further*, That State educational agencies
4 may subgrant funds available under part B of title IV of
5 the ESEA for expanded-learning-time programs that sig-
6 nificantly increase the number of hours in a regular school
7 schedule and comprehensively redesign the school sched-
8 ule: *Provided further*, That such expanded-learning-time
9 programs shall provide additional learning time in the core
10 academic and other subjects, and include enrichment ac-
11 tivities: *Provided further*, That such after-school or ex-
12 panded-learning-time programs shall include strong part-
13 nerships between schools and community partners: *Pro-*
14 *vided further*, That in implementing the program under
15 part B of title IV of the ESEA, State educational agencies
16 and the United States Department of Education shall not
17 give priority or preference regarding the choice to use
18 funds for expanded-learning-time or after-school pro-
19 grams: *Provided further*, That \$31,570,000 shall be avail-
20 able to carry out section 203 of the Educational Technical
21 Assistance Act of 2002: *Provided further*, That
22 \$26,928,000 shall be available to carry out part D of title
23 V of the ESEA: *Provided further*, That no funds appro-
24 priated under this heading may be used to carry out sec-
25 tion 5494 under the ESEA: *Provided further*, That

1 \$17,687,000 shall be available to carry out the Supple-
2 mental Education Grants program for the Federated
3 States of Micronesia and the Republic of the Marshall Is-
4 lands: *Provided further*, That up to 5 percent of these
5 amounts may be reserved by the Federated States of Mi-
6 cronesia and the Republic of the Marshall Islands to ad-
7 minister the Supplemental Education Grants programs
8 and to obtain technical assistance, oversight and
9 consultancy services in the administration of these grants
10 and to reimburse the United States Departments of
11 Labor, Health and Human Services, and Education for
12 such services: *Provided further*, That up to \$11,500,000
13 of the funds available for the Foreign Language Assist-
14 ance Program shall be available for 5-year grants to local
15 educational agencies that would work in partnership with
16 one or more institutions of higher education to establish
17 or expand articulated programs of study in languages crit-
18 ical to United States national security that will enable suc-
19 cessful students to advance from elementary school
20 through college to achieve a superior level of proficiency
21 in those languages: *Provided further*, That of the funds
22 available for section 2103(a) of the ESEA, \$5,000,000
23 shall be available to continue a national school leadership
24 partnership initiative and up to \$5,000,000 may be used
25 to carry out a national teacher recruitment campaign.

1 INDIAN EDUCATION

2 For expenses necessary to carry out, to the extent
3 not otherwise provided, title VII, part A of the Elementary
4 and Secondary Education Act of 1965, \$130,282,000.

5 INNOVATION AND IMPROVEMENT

6 For carrying out activities authorized by part G of
7 title I, subpart 5 of part A and parts C and D of title
8 II, parts B, C, and D of title V, and section 1504 of the
9 Elementary and Secondary Education Act of 1965
10 (“ESEA”), sections 14006 and 14007 of division A of the
11 American Recovery and Reinvestment Act of 2009, and
12 by parts A and F of title VIII of the Higher Education
13 Act of 1965 (“HEA”), \$1,974,013,000, of which
14 \$550,000,000 shall become available on July 1, 2011 and
15 shall remain available through September 30, 2012: *Pro-*
16 *vided*, That the Secretary of Education may use not more
17 than \$550,000,000 for section 14006 of division A of the
18 American Recovery and Reinvestment Act of 2009 to
19 make awards to States in accordance with the applicable
20 requirements of that section: *Provided further*, That the
21 Secretary may use \$224,000,000 for section 14007 of divi-
22 sion A of the American Recovery and Reinvestment Act
23 of 2009 to make awards in accordance with applicable re-
24 quirements of that section: *Provided further*, That
25 \$10,649,000 shall be provided to the National Board for

1 Professional Teaching Standards to carry out section
2 2151(c) of the ESEA: *Provided further*, That from funds
3 for subpart 4, part C of title II of the ESEA, up to 3
4 percent shall be available to the Secretary for technical
5 assistance and dissemination of information: *Provided fur-*
6 *ther*, That \$505,759,000 shall be available to carry out
7 part D of title V of the ESEA and \$9,000,000 shall be
8 available to carry out part A of title VIII of the HEA:
9 *Provided further*, That \$65,372,000 shall be used for the
10 projects, and in the amounts, as specified in the explana-
11 tory statement described in section 4 (in the matter pre-
12 ceding division A of this consolidated Act): *Provided fur-*
13 *ther*, That \$300,000,000 of the funds for subpart 1 of part
14 D of title V of the ESEA shall be for competitive grants
15 to local educational agencies, including charter schools
16 that are local educational agencies, or States, or partner-
17 ships of: (1) a local educational agency, a State, or both;
18 and (2) at least one non-profit organization to develop and
19 implement performance-based compensation systems for
20 teachers, principals, and other personnel in high-need
21 schools: *Provided further*, That such performance-based
22 compensation systems must consider gains in student aca-
23 demic achievement as well as classroom evaluations con-
24 ducted multiple times during each school year among
25 other factors and provide educators with incentives to take

1 on additional responsibilities and leadership roles: *Pro-*
2 *vided further*, That recipients of such grants may use such
3 funds to develop or improve systems and tools (which may
4 be developed and used for the entire local educational
5 agency or only for schools served under the grant) that
6 would enhance the quality and success of the compensa-
7 tion system, such as high-quality teacher evaluations and
8 tools to measure growth in student achievement: *Provided*
9 *further*, That applications for such grants shall include a
10 plan to sustain financially the activities conducted and sys-
11 tems developed under the grant once the grant period has
12 expired: *Provided further*, That up to 5 percent of such
13 funds for competitive grants shall be available for tech-
14 nical assistance, training, peer review of applications, pro-
15 gram outreach and evaluation activities: *Provided further*,
16 That recipients of such grants shall demonstrate that such
17 performance-based systems are developed collaboratively
18 with teachers and school leaders and their representative
19 organizations in the schools and local educational agencies
20 to be served by the grant and that at least 60 percent
21 of teachers in the local educational agency who would be
22 affected by the performance-based compensation system
23 vote affirmatively for the system before it may be imple-
24 mented by the local educational agency, and in the case
25 of a local educational agency in which there is no exclusive

1 majority teacher representative, the recipient of such
2 grant shall certify that at least 60 percent of the teachers
3 in the local educational agency who would be affected by
4 the system have voted affirmatively to adopt the system:
5 *Provided further*, That recipients of such grants must
6 demonstrate how opportunities for professional develop-
7 ment and collaboration among teachers directly support
8 the system and allow teachers, other instructional staff,
9 and principals to acquire and demonstrate the research-
10 based skills necessary to improve their practice and stu-
11 dent achievement: *Provided further*, That of the funds
12 available for part B of title V of the ESEA, the Secretary
13 shall not use less than \$23,031,000 to carry out activities
14 under section 5205(b) and under subpart 2: *Provided fur-*
15 *ther*, That of the funds available for subpart 1 of part B
16 of title V of the ESEA, and notwithstanding section
17 5205(a), the Secretary may reserve up to \$50,000,000 to
18 make multiple awards to non-profit charter management
19 organizations and other entities that are not for-profit en-
20 tities for the replication and expansion of successful char-
21 ter school models: *Provided further*, That the Secretary
22 shall reserve \$15,000,000 to carry out the activities de-
23 scribed in section 5205(a), of which \$5,000,000 shall be
24 reserved to support activities to strengthen charter school
25 authorizing by providing technical assistance and grants

1 to authorized public chartering agencies in order to in-
2 crease the number of high-performing charter schools and
3 to improve quality and oversight of such schools through
4 these agencies' use of nationally-accepted standards for
5 quality charter school authorizing: *Provided further*, That
6 the funds referenced in the preceding proviso shall not be
7 obligated prior to submission of a report to the Commit-
8 tees on Appropriations of the House of Representatives
9 and the Senate detailing the planned uses of such funds:
10 *Provided further*, That new awards under section 5202 of
11 the ESEA shall only be provided to a State that has in
12 place a system for ensuring the quality of its authorized
13 public chartering agencies that (1) makes student aca-
14 demic achievement for all groups of students described in
15 section 1111(b)(2)(C)(v) of ESEA a primary factor in
16 charter renewal decisions; (2) requires each public char-
17 tering agency to annually report to the State, and make
18 publicly available, (a) an independently audited financial
19 statement for each charter school authorized by the agen-
20 cy, (b) the academic performance of each charter school,
21 disaggregated and reported in accordance with section
22 1111(h)(1)(C)(i) of ESEA and (c) the legally binding per-
23 formance contract with each of its charter schools that de-
24 scribes the rights, duties, and remedies available to the
25 school and the public chartering agency, and the date on

1 which the charter is up for renewal; and (3) provides for
2 intervention, revocation, or closure of the public chartering
3 agencies and charter schools that fail to meet the stand-
4 ards and procedures established in such State system: *Pro-*
5 *vided further*, That each application submitted pursuant
6 to section 5203(a) shall describe a plan to monitor and
7 hold accountable authorized public chartering agencies
8 through such activities as providing technical assistance
9 or establishing a professional development program, which
10 may include planning, training and systems development
11 for staff of authorized public chartering agencies to im-
12 prove the capacity of such agencies in the State to author-
13 ize, monitor, and hold accountable charter schools.

14 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

15 For carrying out activities authorized by subpart 3
16 of part C of title II, part A of title IV, and subparts 1,
17 2, and 10 of part D of title V of the Elementary and Sec-
18 ondary Education Act of 1965 (“ESEA”), \$458,553,000,
19 of which \$60,000,000 for Promise Neighborhoods shall be-
20 come available on October 1, 2010 and remain available
21 through September 30, 2012: *Provided*, That
22 \$217,053,000 shall be available for subpart 2 of part A
23 of title IV: *Provided further*, That \$195,000,000 shall be
24 available to carry out part D of title V: *Provided further*,
25 That \$46,500,000 shall be available to carry out subpart

1 3 of part C of title II of the ESEA, of which \$13,383,000
2 shall be used to carry out section 2345 of the ESEA;
3 \$19,617,000 shall be used to carry out section 2344 (in-
4 cluding \$2,957,000 for the Center for Civic Education to
5 implement a comprehensive, joint program to improve
6 public knowledge, understanding, and support of the Con-
7 gress and the State legislatures); \$2,000,000 shall be
8 awarded to the Center on Congress at Indiana University
9 to support a joint initiative with iCivics; and the remainder
10 of the funds available to carry out subpart 3 of part C
11 of title II of the ESEA shall be available to the Secretary
12 of Education for competitive grants to nonprofit organiza-
13 tions that have demonstrated effectiveness in the develop-
14 ment and implementation of civic learning programs, with
15 priority for those programs that demonstrate innovation,
16 scalability, accountability, and a focus on underserved
17 populations.

18 ENGLISH LANGUAGE ACQUISITION

19 For carrying out part A of title III of the Elementary
20 and Secondary Education Act of 1965, \$775,000,000,
21 which shall become available on July 1, 2011, and shall
22 remain available through September 30, 2012, except that
23 6.5 percent of such amount shall be available on October
24 1, 2010, and shall remain available through September 30,
25 2012, to carry out activities under section 3111(c)(1)(C):

1 *Provided*, That the Secretary of Education may use esti-
2 mates of the American Community Survey child counts
3 for the most recent 3-year period available to calculate al-
4 locations under such part.

5 SPECIAL EDUCATION

6 For carrying out the Individuals with Disabilities
7 Education Act (“IDEA”) and the Special Olympics Sport
8 and Empowerment Act of 2004, \$12,889,940,000, of
9 which \$4,016,354,000 shall become available on July 1,
10 2011, and shall remain available through September 30,
11 2012, and of which \$8,592,383,000 shall become available
12 on October 1, 2011, and shall remain available through
13 September 30, 2012, for academic year 2011–2012: *Pro-*
14 *vided*, That \$13,250,000 shall be for Recording for the
15 Blind and Dyslexic, Inc., to support the development, pro-
16 duction, and circulation of accessible educational mate-
17 rials: *Provided further*, That \$737,000 shall be for the re-
18 cipient of funds provided by Public Law 105–78 under
19 section 687(b)(2)(G) of the IDEA (as in effect prior to
20 the enactment of the Individuals with Disabilities Edu-
21 cation Improvement Act of 2004) to provide information
22 on diagnosis, intervention, and teaching strategies for chil-
23 dren with disabilities: *Provided further*, That the amount
24 for section 611(b)(2) of the IDEA shall be equal to the
25 lesser of the amount available for that activity during fis-

1 cal year 2010, increased by the amount of inflation as
2 specified in section 619(d)(2)(B) of the IDEA, or the per-
3 cent change in the funds appropriated under section
4 611(i) of the IDEA, but not less than the amount for that
5 activity during fiscal year 2010: *Provided further*, That
6 funds made available for the Special Olympics Sport and
7 Empowerment Act of 2004 may be used to support ex-
8 penses associated with the Special Olympics National and
9 World games: *Provided further*, That \$10,000,000 shall be
10 for Best Buddies International, Inc. to increase the par-
11 ticipation of people with intellectual disabilities in social
12 relationships and other aspects of community life, includ-
13 ing education and employment, within the United States.

14 REHABILITATION SERVICES AND DISABILITY RESEARCH

15 For carrying out, to the extent not otherwise pro-
16 vided, the Rehabilitation Act of 1973, the Assistive Tech-
17 nology Act of 1998, and the Helen Keller National Center
18 Act, \$3,535,639,000: *Provided*, That \$2,100,000 shall be
19 used for the projects, and in the amounts, specified under
20 the heading “Rehabilitation Services and Disability Re-
21 search” in the explanatory statement described in section
22 4 (in the matter preceding division A of this consolidated
23 Act): *Provided further*, That, of the amounts provided
24 under this heading, \$27,000,000 shall remain available
25 through September 30, 2012, and shall be available under

1 title II of the Rehabilitation Act to the Secretary of Edu-
2 cation in cooperation with the Secretary of Labor and, as
3 appropriate, other heads of departments and agencies, to
4 identify and validate innovative strategies or replicate ef-
5 fective evidence-based strategies, including strategies that
6 align and strengthen the workforce investment system in
7 order to improve program delivery and employment and
8 education outcomes for individuals with disabilities.

9 SPECIAL INSTITUTIONS FOR PERSONS WITH
10 DISABILITIES

11 AMERICAN PRINTING HOUSE FOR THE BLIND

12 For carrying out the Act of March 3, 1879,
13 \$24,600,000.

14 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

15 For the National Technical Institute for the Deaf
16 under titles I and II of the Education of the Deaf Act
17 of 1986, \$65,677,000, of which \$240,000 shall be for con-
18 struction and shall remain available until expended: *Pro-*
19 *vided*, That from the total amount available, the Institute
20 may at its discretion use funds for the endowment pro-
21 gram as authorized under section 207 of such Act.

22 GALLAUDET UNIVERSITY

23 For the Kendall Demonstration Elementary School,
24 the Model Secondary School for the Deaf, and the partial
25 support of Gallaudet University under titles I and II of

1 the Education of the Deaf Act of 1986, \$123,000,000, of
2 which \$5,000,000 shall be for construction and shall re-
3 main available until expended: *Provided*, That from the
4 total amount available, the University may at its discre-
5 tion use funds for the endowment program as authorized
6 under section 207 of such Act.

7 CAREER, TECHNICAL, AND ADULT EDUCATION

8 For carrying out, to the extent not otherwise pro-
9 vided, the Carl D. Perkins Career and Technical Edu-
10 cation Act of 2006, the Adult Education and Family Lit-
11 eracy Act (“AEFLA”), and title VIII–D of the Higher
12 Education Amendments of 1998, \$1,922,541,000, of
13 which \$1,131,541,000 shall become available on July 1,
14 2011, and shall remain available through September 30,
15 2012, and of which \$791,000,000 shall become available
16 on October 1, 2011, and shall remain available through
17 September 30, 2012: *Provided*, That of the amount pro-
18 vided for Adult Education State Grants, \$75,000,000
19 shall be made available for integrated English literacy and
20 civics education services to immigrants and other limited
21 English proficient populations: *Provided further*, That of
22 the amount reserved for integrated English literacy and
23 civics education, notwithstanding section 211 of the
24 AEFLA, 65 percent shall be allocated to States based on
25 a State’s absolute need as determined by calculating each

1 State's share of a 10-year average of the United States
2 Citizenship and Immigration Services data for immigrants
3 admitted for legal permanent residence for the 10 most
4 recent years, and 35 percent allocated to States that expe-
5 rienced growth as measured by the average of the 3 most
6 recent years for which United States Citizenship and Im-
7 migration Services data for immigrants admitted for legal
8 permanent residence are available, except that no State
9 shall be allocated an amount less than \$60,000: *Provided*
10 *further*, That of the amounts made available for AEFLLA,
11 \$36,346,000 shall be for national leadership activities
12 under section 243 and, of that amount, \$25,000,000 shall
13 be available to the Secretary of Education in cooperation
14 with the Secretary of Labor and, as appropriate, other
15 heads of departments and agencies, to identify and vali-
16 date innovative strategies or replicate effective evidence-
17 based strategies, including strategies that align and
18 strengthen the workforce investment system, in order to
19 improve program delivery and education and employment
20 outcomes for program beneficiaries.

21 STUDENT FINANCIAL ASSISTANCE

22 (INCLUDING RESCISSION OF FUNDS)

23 For carrying out subparts 1 and 3 of part A, and
24 part C of title IV of the Higher Education Act of 1965,

1 \$24,899,957,000, which shall remain available through
2 September 30, 2012.

3 The maximum Pell Grant for which a student shall
4 be eligible during award year 2011–2012 shall be \$4,860.

5 Of the funds made available under section
6 401A(e)(1)(E) of the Higher Education Act of 1965,
7 \$617,000,000 are rescinded.

8 STUDENT AID ADMINISTRATION

9 For Federal administrative expenses to carry out part
10 D of title I, and subparts 1, 3, 4, 9, and 10 of part A,
11 and parts B, C, D, and E of title IV of the Higher Edu-
12 cation Act of 1965 (“HEA”), \$1,011,491,000, which shall
13 remain available through September 30, 2012: *Provided*,
14 That of this amount, not more than \$341,866,000 shall
15 be available for loan servicing contracts as defined by sec-
16 tion 456 of the HEA, unless the Secretary determines that
17 an additional amount is necessary for this purpose (within
18 the funds available under this heading) and notifies the
19 Committees on Appropriations of the House of Represent-
20 atives and the Senate of that determination.

21 HIGHER EDUCATION

22 For carrying out, to the extent not otherwise pro-
23 vided, titles II, III, IV, V, VI, VII, and VIII of the Higher
24 Education Act of 1965 (“HEA”), section 1543 of the
25 Higher Education Amendments of 1992, the Mutual Edu-

1 cational and Cultural Exchange Act of 1961 and section
2 117 of the Carl D. Perkins Career and Technical Edu-
3 cation Act of 2006, \$2,269,557,000: *Provided*, That
4 \$9,687,000, to remain available through September 30,
5 2012, shall be available to fund fellowships for academic
6 year 2012–2013 under subpart 1 of part A of title VII
7 of the HEA, under the terms and conditions of such sub-
8 part 1: *Provided further*, That \$609,000 shall be for data
9 collection and evaluation activities for programs under the
10 HEA, including such activities needed to comply with the
11 Government Performance and Results Act of 1993: *Pro-*
12 *vided further*, That notwithstanding any other provision
13 of law, funds made available in this Act to carry out title
14 VI of the HEA and section 102(b)(6) of the Mutual Edu-
15 cational and Cultural Exchange Act of 1961 may be used
16 to support visits and study in foreign countries by individ-
17 uals who are participating in advanced foreign language
18 training and international studies in areas that are vital
19 to United States national security and who plan to apply
20 their language skills and knowledge of these countries in
21 the fields of government, the professions, or international
22 development: *Provided further*, That of the funds referred
23 to in the preceding proviso up to 1 percent may be used
24 for program evaluation, national outreach, and informa-
25 tion dissemination activities: *Provided further*, That, of the

1 funds appropriated under this heading, not less than
2 \$2,000,000 shall be made available for the Department
3 of Education to expand study abroad, pursuant to section
4 604(b) of the HEA and that the Secretary of Education
5 may waive limitations of grants to awardees under
6 604(c)(2) of that Act: *Provided further*, That, of the funds
7 referred to in the preceding proviso, notwithstanding sec-
8 tion 635 of the HEA, the Secretary may use up to 10
9 percent of available funds for program administration in-
10 cluding national outreach and evaluation: *Provided further*,
11 That notwithstanding any other provision of law, a recipi-
12 ent of a multi-year award under section 316 of the HEA,
13 as that section was in effect prior to the date of enactment
14 of the Higher Education Opportunity Act (“HEOA”),
15 that would have otherwise received a continuation award
16 for fiscal year 2011 under that section, shall receive under
17 section 316, as amended by the HEOA, not less than the
18 amount that such recipient would have received under
19 such a continuation award: *Provided further*, That the por-
20 tion of the funds received under section 316 by a recipient
21 described in the preceding proviso that is equal to the
22 amount of such continuation award shall be used in ac-
23 cordance with the terms of such continuation award: *Pro-*
24 *vided further*, That \$70,746,000 shall be used for the
25 projects, and in the amounts, specified in the explanatory

1 HISTORICALLY BLACK COLLEGE AND UNIVERSITY
2 CAPITAL FINANCING PROGRAM ACCOUNT

3 For the cost of guaranteed loans, \$20,228,000, as au-
4 thorized pursuant to part D of title III of the Higher Edu-
5 cation Act of 1965 (“HEA”): *Provided*, That such costs,
6 including the cost of modifying such loans, shall be as de-
7 fined in section 502 of the Congressional Budget Act of
8 1974: *Provided further*, That these funds are available to
9 subsidize total loan principal, any part of which is to be
10 guaranteed, not to exceed \$279,393,000: *Provided further*,
11 That these funds may be used to support loans to public
12 and private historically Black colleges and universities
13 without regard to the limitations within paragraphs (1)
14 and (2) of section 344(a) of the HEA.

15 In addition, for administrative expenses to carry out
16 the Historically Black College and University Capital Fi-
17 nancing Program entered into pursuant to part D of title
18 III of the HEA, \$354,000.

19 INSTITUTE OF EDUCATION SCIENCES

20 For carrying out activities authorized by the Edu-
21 cation Sciences Reform Act of 2002, the National Assess-
22 ment of Educational Progress Authorization Act, section
23 208 of the Educational Technical Assistance Act of 2002,
24 and section 664 of the Individuals with Disabilities Edu-
25 cation Act, \$692,206,000, to remain available through

1 September 30, 2012: *Provided*, That funds available to
2 carry out section 208 of the Educational Technical Assist-
3 ance Act may be used for Statewide data systems that
4 include postsecondary and workforce information and in-
5 formation on children of all ages: *Provided further*, That
6 up to \$10,000,000 of the funds available to carry out sec-
7 tion 208 of the Educational Technical Assistance Act may
8 be used for State data coordinators and for awards to pub-
9 lic or private organizations or agencies to improve data
10 coordination, quality, and use: *Provided further*, That not-
11 withstanding section 174(d) and (e) of the Education
12 Sciences Reform Act of 2002, \$69,650,000 may be used
13 to continue the contracts for the Regional Educational
14 Laboratories for one additional year: *Provided further*,
15 That \$2,200,000 of the amount made available under this
16 heading shall be provided to the National Academy of
17 Sciences not later than 30 days after enactment of this
18 Act for a study on teacher evaluation methods and their
19 uses in systems of educational accountability, as described
20 in the explanatory statement described in section 4 (in the
21 matter preceding division A of this consolidated Act).

22 DEPARTMENTAL MANAGEMENT

23 PROGRAM ADMINISTRATION

24 For carrying out, to the extent not otherwise pro-
25 vided, the Department of Education Organization Act, in-

1 cluding rental of conference rooms in the District of Co-
2 lumbia and hire of three passenger motor vehicles,
3 \$479,875,100, of which \$19,275,000, to remain available
4 until expended, shall be for relocation of, and renovation
5 of buildings occupied by, Department staff: *Provided*,
6 That of the funds made available under this heading,
7 \$2,696,100 shall be available only to increase the Depart-
8 ment's acquisition workforce capacity and capabilities, and
9 may be transferred by the Secretary of Education for that
10 purpose to any other account within the Department (in
11 addition to any other transfer authority provided in this
12 Act): *Provided further*, That funds available under the pre-
13 vious proviso shall be used only to supplement and not
14 to supplant existing acquisition workforce activities and
15 may be used for training, recruitment, retention, and hir-
16 ing additional members of the acquisition workforce (as
17 defined in the Office of Federal Procurement Policy Act),
18 for information technology in support of acquisition work-
19 force effectiveness, or for activities to improve acquisition
20 management.

21 OFFICE FOR CIVIL RIGHTS

22 For expenses necessary for the Office for Civil
23 Rights, as authorized by section 203 of the Department
24 of Education Organization Act, \$105,700,000.

1 OFFICE OF THE INSPECTOR GENERAL

2 For expenses necessary for the Office of the Inspector
3 General, as authorized by section 212 of the Department
4 of Education Organization Act, \$65,238,000.

5 GENERAL PROVISIONS

6 SEC. 301. No funds appropriated in this Act may be
7 used for the transportation of students or teachers (or for
8 the purchase of equipment for such transportation) in
9 order to overcome racial imbalance in any school or school
10 system, or for the transportation of students or teachers
11 (or for the purchase of equipment for such transportation)
12 in order to carry out a plan of racial desegregation of any
13 school or school system.

14 SEC. 302. None of the funds contained in this Act
15 shall be used to require, directly or indirectly, the trans-
16 portation of any student to a school other than the school
17 which is nearest the student's home, except for a student
18 requiring special education, to the school offering such
19 special education, in order to comply with title VI of the
20 Civil Rights Act of 1964. For the purpose of this section
21 an indirect requirement of transportation of students in-
22 cludes the transportation of students to carry out a plan
23 involving the reorganization of the grade structure of
24 schools, the pairing of schools, or the clustering of schools,
25 or any combination of grade restructuring, pairing or clus-

1 tering. The prohibition described in this section does not
2 include the establishment of magnet schools.

3 SEC. 303. No funds appropriated in this Act may be
4 used to prevent the implementation of programs of vol-
5 untary prayer and meditation in the public schools.

6 (TRANSFER OF FUNDS)

7 SEC. 304. Not to exceed 1 percent of any discre-
8 tionary funds (pursuant to the Balanced Budget and
9 Emergency Deficit Control Act of 1985) which are appro-
10 priated for the Department of Education in this Act may
11 be transferred between appropriations, but no such appro-
12 priation shall be increased by more than 3 percent by any
13 such transfer: *Provided*, That the transfer authority
14 granted by this section shall be available only to meet
15 emergency needs and shall not be used to create any new
16 program or to fund any project or activity for which no
17 funds are provided in this Act: *Provided further*, That the
18 Committees on Appropriations of the House of Represent-
19 atives and the Senate are notified at least 15 days in ad-
20 vance of any transfer under this section, with such notifi-
21 cation to include an explanation of the effects of the pro-
22 posed transfer by program, project, and activity.

23 SEC. 305. The Outlying Areas may consolidate funds
24 received under this Act, pursuant to 48 U.S.C. 1469a,

1 under part A of title V of the Elementary and Secondary
2 Education Act.

3 SEC. 306. Section 105(f)(1)(B)(ix) of the Compact
4 of Free Association Amendments Act of 2003 (48 U.S.C.
5 1921d(f)(1)(B)(ix)) shall be applied by substituting
6 “2011” for “2010”.

7 SEC. 307. (a) IN GENERAL.—The Secretary of Edu-
8 cation shall establish an Early Learning Challenge Fund
9 to award competitive grants to States that propose to pro-
10 vide an integrated system of high-quality early learning
11 programs and services and to develop, implement or ad-
12 vance a statewide quality rating and improvement system
13 for early learning programs. The Secretary of Education
14 shall be responsible for obligating and disbursing funds
15 and ensuring compliance with applicable laws and admin-
16 istrative requirements with regard to this program, and
17 shall administer it jointly with the Secretary of Health and
18 Human Services on such terms as such secretaries shall
19 set forth in an interagency agreement.

20 (b) STATE APPLICATIONS.—In order to be considered
21 for a grant under this section, a State’s application shall
22 include a plan that includes the following—

23 (1) A description of the quantifiable goals and
24 benchmarks that the State will establish to dem-
25 onstrate that receiving a grant under this section

1 will lead to a greater number and percentage of low-
2 income and disadvantaged children in each age
3 group of infants, toddlers, and preschoolers enrolled
4 in high-quality early learning programs, and an in-
5 crease in the number of high-quality early learning
6 programs in low-income communities.

7 (2) A description of how the State will imple-
8 ment a governance structure and an integrated sys-
9 tem of high-quality early learning programs and
10 services that includes the following components—

11 (A) State early learning standards and
12 program quality standards;

13 (B) A tiered program quality rating and
14 improvement system;

15 (C) A comprehensive plan that promotes
16 nutrition and wellness for children in early
17 learning programs;

18 (D) A comprehensive plan for supporting
19 professional preparation and the ongoing pro-
20 fessional development of an effective, well-com-
21 pensated early learning workforce; and

22 (E) Strategies to ensure the active engage-
23 ment of parents and families in the learning
24 and development of their children including

1 their understanding of the State’s quality rating
2 and improvement system.

3 (3) An assurance that the State will continue to
4 participate in section 619 of part B and part C of
5 the Individuals with Disabilities Education Act for
6 the duration of the grant.

7 (4) An assurance that grant funds received will
8 be used only to supplement, and not supplant, Fed-
9 eral, State, and local funds otherwise available to
10 support early learning programs and services.

11 (5) An assurance that for each fiscal year for
12 which a State receives funds under this section the
13 expenditures by the State on early learning pro-
14 grams for such fiscal year shall not be less than the
15 level of expenditures for such programs for fiscal
16 year 2011.

17 (c) CRITERIA USED IN AWARDING GRANTS.—In
18 awarding grants to States under this section, the Sec-
19 retary shall evaluate applications and award grants under
20 such section on a competitive basis based on—

21 (1) The quality of the application submitted;

22 (2) Evidence of significant progress in estab-
23 lishing and committing to maintain a high-quality
24 system of early learning for children that integrates
25 the components described in section (b)(2); and

1 (3) The State's capacity to fully implement
2 such system.

3 (d) STATE USES OF FUNDS.—A State receiving a
4 grant under this section shall use the grant (and may
5 make subgrants) to develop and enhance the components
6 of the high-quality early learning system described in sub-
7 section (b)(2) to improve the quality of early learning pro-
8 grams and services serving disadvantaged children.

9 (e) RESERVATIONS OF FEDERAL FUNDS.—The Sec-
10 retary shall reserve not more than 2 percent to administer
11 this section jointly with the Secretary of Health and
12 Human Services for expenses of both agencies.

13 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated, \$300,000,000 to carry out
15 this section in fiscal year 2011.

16 SEC. 308. (a) Section 206 of the Department of Edu-
17 cation Organization Act (20 U.S.C. 3416) is amended—

18 (1) by striking out the heading and inserting
19 “Office of Career, Technical, and Adult Education”;

20 (2) by striking out “Office of Vocational and
21 Adult Education” and inserting “Office of Career,
22 Technical, and Adult Education”;

23 (3) by striking out “Assistant Secretary for Vo-
24 cational and Adult Education” and inserting “As-

1 Assistant Secretary for Career, Technical, and Adult
2 Education”; and

3 (4) by striking out “vocational and adult edu-
4 cation” each place it appears and inserting “career,
5 technical, and adult education”.

6 (b) Section 202 of the Department of Education Or-
7 ganization Act (20 U.S.C. 3412) is amended—

8 (1) in subsection (b)(1)(C), by striking out “As-
9 sistant Secretary for Vocational and Adult Edu-
10 cation” and inserting “Assistant Secretary for Ca-
11 reer, Technical, and Adult Education”; and

12 (2) in subsection (h), by striking out “Assistant
13 Secretary for Vocational and Adult Education” each
14 place it appears and inserting “Assistant Secretary
15 for Career, Technical, and Adult Education”.

16 (c) Section 1 of the Department of Education Organi-
17 zation Act (20 U.S.C. 3401 note) is amended by striking
18 out the entry for section 206 and inserting “Sec. 206. Of-
19 fice of Career, Technical, and Adult Education.”.

20 (d) Section 114(b)(1) of the Carl D. Perkins Career
21 and Technical Education Act of 2006 (20 U.S.C.
22 2324(b)(1)) is amended by striking out “Office of Voca-
23 tional and Adult Education” and inserting “Office of Ca-
24 reer, Technical, and Adult Education”.

1 SEC. 309. Section 8002(i)(1) of the Elementary and
2 Secondary Education Act of 1965 (20 U.S.C. 7702(i)(1))
3 is amended—

4 (1) by striking “(not to exceed the amount
5 equal to the difference between (A) the amount ap-
6 propriated to carry out this section for fiscal year
7 1997 and (B) the amount appropriated to carry out
8 this section for fiscal year 1996)”; and

9 (2) by striking “50 percent” and inserting “25
10 percent”.

11 SEC. 310. (a) A “highly qualified teacher” includes
12 a teacher who meets the requirements in 34 C.F.R.
13 200.56(a)(2)(ii), as published in the Federal Register on
14 December 2, 2002.

15 (b) This provision is effective on the date of enact-
16 ment of this Act through the end of the 2012–2013 aca-
17 demic year.

18 This title may be cited as the “Department of Edu-
19 cation Appropriations Act, 2011”.

1 TITLE IV
2 RELATED AGENCIES
3 COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE
4 BLIND OR SEVERELY DISABLED
5 SALARIES AND EXPENSES

6 For expenses necessary for the Committee for Pur-
7 chase From People Who Are Blind or Severely Disabled
8 established by Public Law 92–28, \$5,771,000.

9 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
10 OPERATING EXPENSES

11 For necessary expenses for the Corporation for Na-
12 tional and Community Service (“the Corporation”) to
13 carry out the Domestic Volunteer Service Act of 1973
14 (“1973 Act”) and the National and Community Service
15 Act of 1990 (“1990 Act”), \$941,983,000, of which
16 \$331,100,000 shall be to carry out the 1973 Act and
17 \$610,883,000 shall be to carry out the 1990 Act and not-
18 withstanding sections 198B(b)(3), 198S(g), and
19 501(a)(4)(C) of the 1990 Act: *Provided*, That of the
20 amounts provided under this heading: (1) up to 1 percent
21 of program grant funds may be used to defray the costs
22 of conducting grant application reviews, including the use
23 of outside peer reviewers and electronic management of
24 the grants cycle; (2) \$5,000,000 shall be available for ex-
25 penses authorized under 501(a)(4)(F)(ii) of the 1990 Act,

1 which, notwithstanding any other provision of law, shall
2 be awarded by the Corporation on a competitive basis to
3 State Commissions; (3) \$7,500,000 shall be available for
4 expenses to carry out sections 112(e), 179A, and 198O
5 and subtitle J of title I of the 1990 Act, notwithstanding
6 section 501(a)(6) of the 1990 Act; (4) \$6,000,000 shall
7 be available for grants to public or private nonprofit insti-
8 tutions to increase the participation of individuals with
9 disabilities in national service and for demonstration ac-
10 tivities in furtherance of this purpose, notwithstanding
11 section 129(k)(1) of the 1990 Act; (5) \$18,000,000 shall
12 be available to provide assistance to State commissions on
13 national and community service under section 126(a) of
14 the 1990 Act and notwithstanding section 501(a)(5)(B)
15 of the 1990 Act; and (6) \$60,000,000 shall be available
16 for expenses authorized under section 501(a)(4)(E) of the
17 1990 Act.

18 NATIONAL SERVICE TRUST

19 (INCLUDING TRANSFER OF FUNDS)

20 For necessary expenses for the National Service
21 Trust established under subtitle D of title I of the Na-
22 tional and Community Service Act of 1990 (“1990 Act”),
23 \$254,856,000, to remain available until expended: *Pro-*
24 *vided*, That the Corporation for National and Community
25 Service may transfer additional funds from the amount

1 provided within “Operating Expenses” allocated to grants
2 under subtitle C of title I of the 1990 Act to the National
3 Service Trust upon determination that such transfer is
4 necessary to support the activities of national service par-
5 ticipants and after notice is transmitted to the Committees
6 on Appropriations of the House of Representatives and the
7 Senate: *Provided further*, That amounts appropriated for
8 or transferred to the National Service Trust may be in-
9 vested under section 145(b) of the 1990 Act without re-
10 gard to the requirement to apportion funds under 31
11 U.S.C. 1513(b).

12 SALARIES AND EXPENSES

13 For necessary expenses of administration as provided
14 under section 501(a)(5) of the National and Community
15 Service Act of 1990 and under section 504(a) of the Do-
16 mestic Volunteer Service Act of 1973, including payment
17 of salaries, authorized travel, hire of passenger motor vehi-
18 cles, the rental of conference rooms in the District of Co-
19 lumbia, the employment of experts and consultants au-
20 thorized under 5 U.S.C. 3109, and not to exceed \$2,500
21 for official reception and representation expenses,
22 \$100,522,000.

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General in carrying out the Inspector General Act of 1978,
4 \$9,000,000.

5 ADMINISTRATIVE PROVISIONS

6 SEC. 401. The Corporation for National and Commu-
7 nity Service (“the Corporation”) shall make any signifi-
8 cant changes to program requirements, service delivery or
9 policy only through public notice and comment rule-
10 making. For fiscal year 2011, during any grant selection
11 process, an officer or employee of the Corporation shall
12 not knowingly disclose any covered grant selection infor-
13 mation regarding such selection, directly or indirectly, to
14 any person other than an officer or employee of the Cor-
15 poration that is authorized by the Corporation to receive
16 such information.

17 SEC. 402. AmeriCorps programs receiving grants
18 under the National Service Trust program shall meet an
19 overall minimum share requirement of 24 percent for the
20 first 3 years that they receive AmeriCorps funding, and
21 thereafter shall meet the overall minimum share require-
22 ment as provided in section 2521.60 of title 45, Code of
23 Federal Regulations, without regard to the operating costs
24 match requirement in section 121(e) or the member sup-
25 port Federal share limitations in section 140 of the Na-

1 tional and Community Service Act of 1990, and subject
2 to partial waiver consistent with section 2521.70 of title
3 45, Code of Federal Regulations.

4 SEC. 403. Donations made to the Corporation for Na-
5 tional and Community Service under section 196 of the
6 National and Community Service Act of 1990 (“1990
7 Act”) for the purposes of financing programs and oper-
8 ations under titles I and II of the 1973 Act or subtitle
9 B, C, D, or E of title I of the 1990 Act shall be used
10 to supplement and not supplant current programs and op-
11 erations.

12 SEC. 404. Notwithstanding the provisions of section
13 501(a)(1)(D) of the National and Community Service Act
14 of 1990 (“the 1990 Act”), the Corporation for National
15 and Community Service shall fund summer of service pro-
16 gram grants authorized under section 119(c)(8) of the
17 1990 Act from funds made available to provide financial
18 assistance under 501(a)(1)(F)(iii) of the 1990 Act.

19 SEC. 405. In addition to the requirements in section
20 146(a) of the National and Community Service Act of
21 1990 (“the 1990 Act”), use of an educational award for
22 the purpose described in section 148(a)(4) shall be limited
23 to individuals who are veterans as defined under section
24 101 of the 1990 Act.

1 CORPORATION FOR PUBLIC BROADCASTING

2 For payment to the Corporation for Public Broad-
3 casting (“Corporation”), as authorized by the Commu-
4 nications Act of 1934, an amount which shall be available
5 within limitations specified by that Act, for the fiscal year
6 2013, \$460,000,000: *Provided*, That none of the funds
7 made available to the Corporation by this Act shall be used
8 to pay for receptions, parties, or similar forms of enter-
9 tainment for Government officials or employees: *Provided*
10 *further*, That none of the funds made available to the Cor-
11 poration by this Act shall be available or used to aid or
12 support any program or activity from which any person
13 is excluded, or is denied benefits, or is discriminated
14 against, on the basis of race, color, national origin, reli-
15 gion, or sex: *Provided further*, That none of the funds
16 made available to the Corporation by this Act shall be used
17 to apply any political test or qualification in selecting, ap-
18 pointing, promoting, or taking any other personnel action
19 with respect to officers, agents, and employees of the Cor-
20 poration: *Provided further*, That none of the funds made
21 available to the Corporation by this Act shall be used to
22 support the Television Future Fund or any similar pur-
23 pose: *Provided further*, That for fiscal year 2011, in addi-
24 tion to the amounts provided above, \$36,000,000 shall be
25 provided for costs related to digital program production,

1 development, and distribution, associated with the transi-
2 tion of public broadcasting to digital broadcasting, to be
3 awarded as determined by the Corporation in consultation
4 with public radio and television licensees or permittees, or
5 their designated representatives.

6 FEDERAL MEDIATION AND CONCILIATION SERVICE

7 SALARIES AND EXPENSES

8 For expenses necessary for the Federal Mediation
9 and Conciliation Service (“Service”) to carry out the func-
10 tions vested in it by the Labor Management Relations Act,
11 1947, including hire of passenger motor vehicles; for ex-
12 penses necessary for the Labor-Management Cooperation
13 Act of 1978; and for expenses necessary for the Service
14 to carry out the functions vested in it by the Civil Service
15 Reform Act, \$48,025,000, including \$750,000 to remain
16 available through September 30, 2012, for activities au-
17 thorized by the Labor-Management Cooperation Act of
18 1978: *Provided*, That notwithstanding 31 U.S.C. 3302,
19 fees charged, up to full-cost recovery, for special training
20 activities and other conflict resolution services and tech-
21 nical assistance, including those provided to foreign gov-
22 ernments and international organizations, and for arbitra-
23 tion services shall be credited to and merged with this ac-
24 count, and shall remain available until expended: *Provided*
25 *further*, That fees for arbitration services shall be available

1 only for education, training, and professional development
 2 of the agency workforce: *Provided further*, That the Direc-
 3 tor of the Service is authorized to accept and use on behalf
 4 of the United States gifts of services and real, personal,
 5 or other property in the aid of any projects or functions
 6 within the Director's jurisdiction.

7 FEDERAL MINE SAFETY AND HEALTH REVIEW

8 COMMISSION

9 SALARIES AND EXPENSES

10 For expenses necessary for the Federal Mine Safety
 11 and Health Review Commission, \$14,705,000.

12 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

13 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

14 AND ADMINISTRATION

15 For carrying out the Museum and Library Services
 16 Act of 1996 and the National Museum of African Amer-
 17 ican History and Culture Act, \$270,619,000, of which
 18 \$4,750,000 shall be used for the projects, and in the
 19 amounts, as specified in the explanatory statement de-
 20 scribed in section 4 (in the matter preceding division A
 21 of this consolidated Act).

22 MEDICARE PAYMENT ADVISORY COMMISSION

23 SALARIES AND EXPENSES

24 For expenses necessary to carry out section 1805 of
 25 the Social Security Act, \$13,100,000, to be transferred to

1 this appropriation from the Federal Hospital Insurance
2 Trust Fund and the Federal Supplementary Medical In-
3 surance Trust Fund.

4 NATIONAL COUNCIL ON DISABILITY

5 SALARIES AND EXPENSES

6 For expenses necessary for the National Council on
7 Disability as authorized by title IV of the Rehabilitation
8 Act of 1973, \$3,337,000.

9 NATIONAL HEALTH CARE WORKFORCE COMMISSION

10 SALARIES AND EXPENSES

11 For expenses necessary for the National Health Care
12 Workforce Commission as authorized by section 5101 of
13 the Patient Protection and Affordable Care Act, as
14 amended, \$3,000,000.

15 NATIONAL LABOR RELATIONS BOARD

16 SALARIES AND EXPENSES

17 For expenses necessary for the National Labor Rela-
18 tions Board to carry out the functions vested in it by the
19 Labor-Management Relations Act, 1947, and other laws,
20 \$287,100,000: *Provided*, That no part of this appropria-
21 tion shall be available to organize or assist in organizing
22 agricultural laborers or used in connection with investiga-
23 tions, hearings, directives, or orders concerning bargaining
24 units composed of agricultural laborers as referred to in
25 section 2(3) of the Act of July 5, 1935, and as amended

1 by the Labor-Management Relations Act, 1947, and as de-
2 fined in section 3(f) of the Act of June 25, 1938, and
3 including in said definition employees engaged in the
4 maintenance and operation of ditches, canals, reservoirs,
5 and waterways when maintained or operated on a mutual,
6 nonprofit basis and at least 95 percent of the water stored
7 or supplied thereby is used for farming purposes.

8 NATIONAL MEDIATION BOARD

9 SALARIES AND EXPENSES

10 For expenses necessary to carry out the provisions
11 of the Railway Labor Act, including emergency boards ap-
12 pointed by the President, \$14,972,000.

13 OCCUPATIONAL SAFETY AND HEALTH REVIEW

14 COMMISSION

15 SALARIES AND EXPENSES

16 For expenses necessary for the Occupational Safety
17 and Health Review Commission, \$12,051,000.

18 RAILROAD RETIREMENT BOARD

19 DUAL BENEFITS PAYMENTS ACCOUNT

20 For payment to the Dual Benefits Payments Ac-
21 count, authorized under section 15(d) of the Railroad Re-
22 tirement Act of 1974, \$57,000,000, which shall include
23 amounts becoming available in fiscal year 2011 pursuant
24 to section 224(c)(1)(B) of Public Law 98-76; and in addi-
25 tion, an amount, not to exceed 2 percent of the amount

1 provided herein, shall be available proportional to the
2 amount by which the product of recipients and the average
3 benefit received exceeds the amount available for payment
4 of vested dual benefits: *Provided*, That the total amount
5 provided herein shall be credited in 12 approximately
6 equal amounts on the first day of each month in the fiscal
7 year.

8 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT
9 ACCOUNTS

10 For payment to the accounts established in the
11 Treasury for the payment of benefits under the Railroad
12 Retirement Act for interest earned on unnegotiated
13 checks, \$150,000, to remain available through September
14 30, 2012, which shall be the maximum amount available
15 for payment pursuant to section 417 of Public Law 98–
16 76.

17 LIMITATION ON ADMINISTRATION

18 For necessary expenses for the Railroad Retirement
19 Board (“Board”) for administration of the Railroad Re-
20 tirement Act and the Railroad Unemployment Insurance
21 Act, \$110,573,000, to be derived in such amounts as de-
22 termined by the Board from the railroad retirement ac-
23 counts and from moneys credited to the railroad unem-
24 ployment insurance administration fund.

1 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

2 For expenses necessary for the Office of Inspector
3 General for audit, investigatory and review activities, as
4 authorized by the Inspector General Act of 1978, not more
5 than \$8,936,000, to be derived from the railroad retire-
6 ment accounts and railroad unemployment insurance ac-
7 count.

8 SOCIAL SECURITY ADMINISTRATION

9 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

10 For payment to the Federal Old-Age and Survivors
11 Insurance Trust Fund and the Federal Disability Insur-
12 ance Trust Fund, as provided under sections 201(m),
13 217(g), 228(g), and 1131(b)(2) of the Social Security Act,
14 \$21,404,000.

15 SUPPLEMENTAL SECURITY INCOME PROGRAM

16 For carrying out titles XI and XVI of the Social Se-
17 curity Act, section 401 of Public Law 92-603, section 212
18 of Public Law 93-66, as amended, and section 405 of
19 Public Law 95-216, including payment to the Social Secu-
20 rity trust funds for administrative expenses incurred pur-
21 suant to section 201(g)(1) of the Social Security Act,
22 \$40,482,124,000, to remain available until expended: *Pro-*
23 *vided*, That any portion of the funds provided to a State
24 in the current fiscal year and not obligated by the State
25 during that year shall be returned to the Treasury: *Pro-*

1 *vided further*, That of the funds available for the Research
2 and Demonstration program, not more than \$6,300,000
3 shall be used for the Special Initiative activity only to sup-
4 port the Financial Literacy Education Commission pro-
5 gram.

6 For making, after June 15 of the current fiscal year,
7 benefit payments to individuals under title XVI of the So-
8 cial Security Act, for unanticipated costs incurred for the
9 current fiscal year, such sums as may be necessary.

10 For making benefit payments under title XVI of the
11 Social Security Act for the first quarter of fiscal year
12 2012, \$13,400,000,000, to remain available until ex-
13 pended.

14 LIMITATION ON ADMINISTRATIVE EXPENSES

15 (INCLUDING TRANSFER AND RESCISSION OF FUNDS)

16 For necessary expenses, including the hire of two pas-
17 senger motor vehicles, and not to exceed \$20,000 for offi-
18 cial reception and representation expenses, not more than
19 \$11,629,863,000 may be expended, as authorized by sec-
20 tion 201(g)(1) of the Social Security Act, from any one
21 or all of the trust funds referred to therein: *Provided*, That
22 not less than \$2,300,000 shall be for the Social Security
23 Advisory Board: *Provided further*, That funds made avail-
24 able in this paragraph and remaining unobligated at the
25 end of fiscal year 2011 may be, not later than the end

1 of the fifth fiscal year after the last fiscal year for which
2 such funds are available for the purposes for which appro-
3 priated, placed in an “Information Technology and Tele-
4 communications Investment Fund” (“ITTI Fund”) to be
5 established within this account where they shall remain
6 available until expended for investments in Social Security
7 Administration information technology and telecommuni-
8 cations hardware and software infrastructure, including
9 related equipment and non-payroll administrative ex-
10 penses: *Provided further*, That unobligated balances of ap-
11 propriations made to this account in prior fiscal years that
12 remain available for the purposes specified in the pre-
13 ceding proviso may also be placed in the ITTI Fund not
14 later than the end of the fifth fiscal year after the last
15 fiscal year for which such funds are available for the pur-
16 poses for which appropriated: *Provided further*, That the
17 Commissioner of the Social Security Administration shall
18 provide information to the Committees on Appropriations
19 of the House of Representatives and the Senate each year,
20 at the same time the President’s budget is submitted to
21 Congress, regarding actual or estimated amounts placed
22 in, and obligated and expended from, the ITTI Fund dur-
23 ing the preceding, current, and succeeding fiscal years, in-
24 cluding the nature and purposes of all such obligations
25 and expenditures, and regarding the balances remaining

1 (or expected to remain) in the ITTI Fund as of the close
2 of each such fiscal year: *Provided further*, That reimburse-
3 ment to the trust funds under this heading for expendi-
4 tures for official time for employees of the Social Security
5 Administration pursuant to 5 U.S.C. 7131, and for facili-
6 ties or support services for labor organizations pursuant
7 to policies, regulations, or procedures referred to in section
8 7135(b) of such title shall be made by the Secretary of
9 the Treasury, with interest, from amounts in the general
10 fund not otherwise appropriated, as soon as possible after
11 such expenditures are made: *Provided further*, That of the
12 funds made available under this heading, \$1,863,000 shall
13 be available only to increase the Social Security Adminis-
14 tration's acquisition workforce capacity and capabilities,
15 and may be transferred by the Commissioner for that pur-
16 pose to any other account in the Social Security Adminis-
17 tration (in addition to any other transfer authority pro-
18 vided in this Act): *Provided further*, That funds available
19 under the previous proviso shall be used only to supple-
20 ment and not to supplant existing acquisition workforce
21 activities and may be used for training, recruitment, reten-
22 tion, and hiring additional members of the acquisition
23 workforce (as defined by the Office of Federal Procure-
24 ment Policy Act), for information technology in support

1 of acquisition workforce effectiveness, or for activities to
2 improve acquisition management.

3 From funds provided under the first paragraph, not
4 less than \$283,000,000 shall be available for the cost asso-
5 ciated with conducting continuing disability reviews under
6 titles II and XVI of the Social Security Act and for the
7 cost associated with conducting redeterminations of eligi-
8 bility under title XVI of the Social Security Act.

9 In addition to the amounts made available above, and
10 subject to the same terms and conditions, \$513,000,000,
11 for additional continuing disability reviews and redeter-
12 minations of eligibility, of which up to \$10,000,000 shall
13 be available to complete implementation of asset
14 verification initiatives: *Provided*, That the Commissioner
15 shall provide to the Congress (at the conclusion of the fis-
16 cal year) a report on the obligation and expenditure of
17 these additional amounts, similar to the reports that were
18 required by section 103(d)(2) of Public Law 104–121 for
19 fiscal years 1996 through 2002.

20 In addition, \$186,000,000 to be derived from admin-
21 istration fees in excess of \$5.00 per supplementary pay-
22 ment collected pursuant to section 1616(d) of the Social
23 Security Act or section 212(b)(3) of Public Law 93–66,
24 which shall remain available until expended. To the extent
25 that the amounts collected pursuant to such sections in

1 fiscal year 2011 exceed \$186,000,000, the amounts shall
2 be available in fiscal year 2012 only to the extent provided
3 in advance in appropriations Acts.

4 In addition, up to \$500,000 to be derived from fees
5 collected pursuant to section 303(c) of the Social Security
6 Protection Act, which shall remain available until ex-
7 pended.

8 Upon enactment of this Act, \$455,700,000 of the re-
9 maining unobligated balances, including expired and non-
10 expired amounts, of funds appropriated for “Social Secu-
11 rity Administration—Limitation on Administrative Ex-
12 penses” for fiscal years 2010 and prior years (other than
13 funds appropriated in Public Law 111–5) shall be made
14 part of and merged with the ITTI Fund, and of such
15 funds \$455,700,000 are rescinded.

16 OFFICE OF INSPECTOR GENERAL
17 (INCLUDING TRANSFER OF FUNDS)

18 For expenses necessary for the Office of Inspector
19 General in carrying out the provisions of the Inspector
20 General Act of 1978, \$30,000,000, together with not to
21 exceed \$76,122,000, to be transferred and expended as
22 authorized by section 201(g)(1) of the Social Security Act
23 from the Federal Old-Age and Survivors Insurance Trust
24 Fund and the Federal Disability Insurance Trust Fund.

1 propaganda purposes, for the preparation, distribution, or
2 use of any kit, pamphlet, booklet, publication, radio, tele-
3 vision, or video presentation designed to support or defeat
4 legislation pending before the Congress or any State legis-
5 lature, except in presentation to the Congress or any State
6 legislature itself.

7 (b) No part of any appropriation contained in this
8 Act shall be used to pay the salary or expenses of any
9 grant or contract recipient, or agent acting for such recipi-
10 ent, related to any activity designed to influence legislation
11 or appropriations pending before the Congress or any
12 State legislature.

13 SEC. 504. The Secretaries of Labor and Education
14 are authorized to make available not to exceed \$28,000
15 and \$20,000, respectively, from funds available for sala-
16 ries and expenses under titles I and III, respectively, for
17 official reception and representation expenses; the Direc-
18 tor of the Federal Mediation and Conciliation Service is
19 authorized to make available for official reception and rep-
20 resentation expenses not to exceed \$5,000 from the funds
21 available for "Federal Mediation and Conciliation Service,
22 Salaries and Expenses"; and the Chairman of the Na-
23 tional Mediation Board is authorized to make available for
24 official reception and representation expenses not to ex-

1 exceed \$5,000 from funds available for “National Mediation
2 Board, Salaries and Expenses”.

3 SEC. 505. None of the funds contained in this Act
4 may be used to distribute any needle or syringe for the
5 purpose of preventing the spread of blood borne pathogens
6 in any location that has been determined by the local pub-
7 lic health or local law enforcement authorities to be inap-
8 propriate for such distribution.

9 SEC. 506. When issuing statements, press releases,
10 requests for proposals, bid solicitations and other docu-
11 ments describing projects or programs funded in whole or
12 in part with Federal money, all grantees receiving Federal
13 funds included in this Act, including but not limited to
14 State and local governments and recipients of Federal re-
15 search grants, shall clearly state—

16 (1) the percentage of the total costs of the pro-
17 gram or project which will be financed with Federal
18 money;

19 (2) the dollar amount of Federal funds for the
20 project or program; and

21 (3) percentage and dollar amount of the total
22 costs of the project or program that will be financed
23 by non-governmental sources.

24 SEC. 507. (a) None of the funds appropriated in this
25 Act, and none of the funds in any trust fund to which

1 funds are appropriated in this Act, shall be expended for
2 any abortion.

3 (b) None of the funds appropriated in this Act, and
4 none of the funds in any trust fund to which funds are
5 appropriated in this Act, shall be expended for health ben-
6 efits coverage that includes coverage of abortion.

7 (c) The term “health benefits coverage” means the
8 package of services covered by a managed care provider
9 or organization pursuant to a contract or other arrange-
10 ment.

11 SEC. 508. (a) The limitations established in the pre-
12 ceding section shall not apply to an abortion—

13 (1) if the pregnancy is the result of an act of
14 rape or incest; or

15 (2) in the case where a woman suffers from a
16 physical disorder, physical injury, or physical illness,
17 including a life-endangering physical condition
18 caused by or arising from the pregnancy itself, that
19 would, as certified by a physician, place the woman
20 in danger of death unless an abortion is performed.

21 (b) Nothing in the preceding section shall be con-
22 strued as prohibiting the expenditure by a State, locality,
23 entity, or private person of State, local, or private funds
24 (other than a State’s or locality’s contribution of Medicaid
25 matching funds).

1 (c) Nothing in the preceding section shall be con-
2 strued as restricting the ability of any managed care pro-
3 vider from offering abortion coverage or the ability of a
4 State or locality to contract separately with such a pro-
5 vider for such coverage with State funds (other than a
6 State's or locality's contribution of Medicaid matching
7 funds).

8 (d)(1) None of the funds made available in this Act
9 may be made available to a Federal agency or program,
10 or to a State or local government, if such agency, program,
11 or government subjects any institutional or individual
12 health care entity to discrimination on the basis that the
13 health care entity does not provide, pay for, provide cov-
14 erage of, or refer for abortions.

15 (2) In this subsection, the term "health care entity"
16 includes an individual physician or other health care pro-
17 fessional, a hospital, a provider-sponsored organization, a
18 health maintenance organization, a health insurance plan,
19 or any other kind of health care facility, organization, or
20 plan.

21 SEC. 509. (a) None of the funds made available in
22 this Act may be used for—

23 (1) the creation of a human embryo or embryos
24 for research purposes; or

1 (2) research in which a human embryo or em-
2 bryos are destroyed, discarded, or knowingly sub-
3 jected to risk of injury or death greater than that
4 allowed for research on fetuses in utero under 45
5 CFR 46.204(b) and section 498(b) of the Public
6 Health Service Act (42 U.S.C. 289g(b)).

7 (b) For purposes of this section, the term “human
8 embryo or embryos” includes any organism, not protected
9 as a human subject under 45 CFR 46 as of the date of
10 the enactment of this Act, that is derived by fertilization,
11 parthenogenesis, cloning, or any other means from one or
12 more human gametes or human diploid cells.

13 SEC. 510. (a) None of the funds made available in
14 this Act may be used for any activity that promotes the
15 legalization of any drug or other substance included in
16 schedule I of the schedules of controlled substances estab-
17 lished under section 202 of the Controlled Substances Act
18 except for normal and recognized executive-congressional
19 communications.

20 (b) The limitation in subsection (a) shall not apply
21 when there is significant medical evidence of a therapeutic
22 advantage to the use of such drug or other substance or
23 that federally sponsored clinical trials are being conducted
24 to determine therapeutic advantage.

1 SEC. 511. None of the funds made available in this
2 Act may be used to promulgate or adopt any final stand-
3 ard under section 1173(b) of the Social Security Act pro-
4 viding for, or providing for the assignment of, a unique
5 health identifier for an individual (except in an individ-
6 ual's capacity as an employer or a health care provider),
7 until legislation is enacted specifically approving the
8 standard.

9 SEC. 512. None of the funds made available in this
10 Act may be obligated or expended to enter into or renew
11 a contract with an entity if—

12 (1) such entity is otherwise a contractor with
13 the United States and is subject to the requirement
14 in 38 U.S.C. 4212(d) regarding submission of an
15 annual report to the Secretary of Labor concerning
16 employment of certain veterans; and

17 (2) such entity has not submitted a report as
18 required by that section for the most recent year for
19 which such requirement was applicable to such enti-
20 ty.

21 SEC. 513. None of the funds made available in this
22 Act may be transferred to any department, agency, or in-
23 strumentality of the United States Government, except
24 pursuant to a transfer made by, or transfer authority pro-
25 vided in, this Act or any other appropriation Act.

1 SEC. 514. None of the funds made available by this
2 Act to carry out the Library Services and Technology Act
3 may be made available to any library covered by para-
4 graph (1) of section 224(f) of such Act, as amended by
5 the Children’s Internet Protection Act, unless such library
6 has made the certifications required by paragraph (4) of
7 such section.

8 SEC. 515. None of the funds made available by this
9 Act to carry out part D of title II of the Elementary and
10 Secondary Education Act of 1965 may be made available
11 to any elementary or secondary school covered by para-
12 graph (1) of section 2441(a) of such Act, as amended by
13 the Children’s Internet Protection Act and the No Child
14 Left Behind Act, unless the local educational agency with
15 responsibility for such covered school has made the certifi-
16 cations required by paragraph (2) of such section.

17 SEC. 516. (a) None of the funds provided under this
18 Act, or provided under previous appropriations Acts to the
19 agencies funded by this Act that remain available for obli-
20 gation or expenditure in fiscal year 2011, or provided from
21 any accounts in the Treasury of the United States derived
22 by the collection of fees available to the agencies funded
23 by this Act, shall be available for obligation or expenditure
24 through a reprogramming of funds that—

25 (1) creates new programs;

1 (2) eliminates a program, project, or activity;

2 (3) increases funds or personnel by any means
3 for any project or activity for which funds have been
4 denied or restricted;

5 (4) relocates an office or employees;

6 (5) reorganizes or renames offices;

7 (6) reorganizes programs or activities; or

8 (7) contracts out or privatizes any functions or
9 activities presently performed by Federal employees;

10 unless the Committees on Appropriations of the House of
11 Representatives and the Senate are notified 15 days in
12 advance of such reprogramming or of an announcement
13 of intent relating to such reprogramming, whichever oc-
14 curs earlier.

15 (b) None of the funds provided under this Act, or
16 provided under previous appropriations Acts to the agen-
17 cies funded by this Act that remain available for obligation
18 or expenditure in fiscal year 2011, or provided from any
19 accounts in the Treasury of the United States derived by
20 the collection of fees available to the agencies funded by
21 this Act, shall be available for obligation or expenditure
22 through a reprogramming of funds in excess of \$500,000
23 or 10 percent, whichever is less, that—

24 (1) augments existing programs, projects (in-
25 cluding construction projects), or activities;

1 (2) reduces by 10 percent funding for any exist-
2 ing program, project, or activity, or numbers of per-
3 sonnel by 10 percent as approved by Congress; or

4 (3) results from any general savings from a re-
5 duction in personnel which would result in a change
6 in existing programs, activities, or projects as ap-
7 proved by Congress;

8 unless the Committees on Appropriations of the House of
9 Representatives and the Senate are notified 15 days in
10 advance of such reprogramming or of an announcement
11 of intent relating to such reprogramming, whichever oc-
12 curs earlier.

13 SEC. 517. (a) None of the funds made available in
14 this Act may be used to request that a candidate for ap-
15 pointment to a Federal scientific advisory committee dis-
16 close the political affiliation or voting history of the can-
17 didate or the position that the candidate holds with re-
18 spect to political issues not directly related to and nec-
19 essary for the work of the committee involved.

20 (b) None of the funds made available in this Act may
21 be used to disseminate scientific information that is delib-
22 erately false or misleading.

23 SEC. 518. Within 45 days of enactment of this Act,
24 each department and related agency funded through this
25 Act shall submit an operating plan that details at the pro-

1 gram, project, and activity level any funding allocations
2 for fiscal year 2011 that are different than those specified
3 in this Act, the accompanying detailed table in the explan-
4 atory statement described in section 4 (in the matter pre-
5 ceding division A of this consolidated Act) or the fiscal
6 year 2011 budget request.

7 SEC. 519. The Secretaries of Labor, Health and
8 Human Services, and Education shall each prepare and
9 submit to the Committees on Appropriations of the House
10 of Representatives and the Senate a report on the number
11 and amount of contracts, grants, and cooperative agree-
12 ments exceeding \$500,000 in value and awarded by the
13 Department on a non-competitive basis during each quar-
14 ter of fiscal year 2011, but not to include grants awarded
15 on a formula basis or directed by law. Such report shall
16 include the name of the contractor or grantee, the amount
17 of funding, the governmental purpose, including a jus-
18 tification for issuing the award on a non-competitive basis.
19 Such report shall be transmitted to the Committees within
20 30 days after the end of the quarter for which the report
21 is submitted.

22 SEC. 520. None of the funds made available in this
23 Act may be used for first-class travel by the employees
24 of agencies funded by this Act in contravention of sections
25 301–10.124 of title 41, Code of Federal Regulations.

1 SEC. 521. None of the funds appropriated in this Act
2 shall be expended or obligated by the Commissioner of So-
3 cial Security, for purposes of administering Social Security
4 benefit payments under title II of the Social Security Act,
5 to process any claim for credit for a quarter of coverage
6 based on work performed under a social security account
7 number that is not the claimant's number and the per-
8 formance of such work under such number has formed the
9 basis for a conviction of the claimant of a violation of sec-
10 tion 208(a)(6) or (7) of the Social Security Act.

11 SEC. 522. None of the funds appropriated by this Act
12 may be used by the Commissioner of Social Security or
13 the Social Security Administration to pay the compensa-
14 tion of employees of the Social Security Administration
15 to administer Social Security benefit payments, under any
16 agreement between the United States and Mexico estab-
17 lishing totalization arrangements between the social secu-
18 rity system established by title II of the Social Security
19 Act and the social security system of Mexico, which would
20 not otherwise be payable but for such agreement.

21 SEC. 523. None of the funds appropriated or other-
22 wise made available by this Act may be used to enter into
23 a contract in an amount greater than \$5,000,000 or to
24 award a grant in excess of such amount unless the pro-
25 spective contractor or grantee certifies in writing to the

1 agency awarding the contract or grant that, to the best
2 of its knowledge and belief, the contractor or grantee has
3 filed all Federal tax returns required during the 3 years
4 preceding the certification, has not been convicted of a
5 criminal offense under the Internal Revenue Code of 1986,
6 and has not, more than 90 days prior to certification, been
7 notified of any unpaid Federal tax assessment for which
8 the liability remains unsatisfied, unless the assessment is
9 the subject of an installment agreement or offer in com-
10 promise that has been approved by the Internal Revenue
11 Service and is not in default, or the assessment is the sub-
12 ject of a non-frivolous administrative or judicial pro-
13 ceeding.

14 SEC. 524. The policy regarding public access to re-
15 search results established for the National Institutes of
16 Health by section 217 of division F of Public Law 111-
17 8 shall apply to all Departments funded in this Act having
18 more than \$100,000,000 in annual expenditures for extra-
19 mural research. Except with respect to the National Insti-
20 tutes of Health, the Secretaries of the Departments af-
21 fected may designate other suitable online depositories to
22 be used in lieu of the National Library of Medicine's
23 PubMed Central.

24 SEC. 525. Section 6402(f)(3)(C) of the Internal Rev-
25 enue Code of 1986, as amended by section 801(a)(3)(C)

1 of the Claims Resolution Act of 2010, is further amended
 2 by striking “not”.

3 This division may be cited as the “Departments of
 4 Labor, Health and Human Services, and Education, and
 5 Related Agencies Appropriations Act, 2011”.

6 **DIVISION I—LEGISLATIVE BRANCH**

7 **APPROPRIATIONS ACT, 2011**

8 TITLE I

9 LEGISLATIVE BRANCH

10 SENATE

11 EXPENSE ALLOWANCES

12 For expense allowances of the Vice President,
 13 \$20,000; the President Pro Tempore of the Senate,
 14 \$40,000; Majority Leader of the Senate, \$40,000; Minor-
 15 ity Leader of the Senate, \$40,000; Majority Whip of the
 16 Senate, \$10,000; Minority Whip of the Senate, \$10,000;
 17 Chairmen of the Majority and Minority Conference Com-
 18 mittees, \$5,000 for each Chairman; and Chairmen of the
 19 Majority and Minority Policy Committees, \$5,000 for each
 20 Chairman; in all, \$180,000.

21 REPRESENTATION ALLOWANCES FOR THE MAJORITY

22 AND MINORITY LEADERS

23 For representation allowances of the Majority and
 24 Minority Leaders of the Senate, \$15,000 for each such
 25 Leader; in all, \$30,000.

1 SALARIES, OFFICERS AND EMPLOYEES

2 For compensation of officers, employees, and others
3 as authorized by law, including agency contributions,
4 \$185,982,000, which shall be paid from this appropriation
5 without regard to the following limitations:

6 OFFICE OF THE VICE PRESIDENT

7 For the Office of the Vice President, \$2,517,000.

8 OFFICE OF THE PRESIDENT PRO TEMPORE

9 For the Office of the President Pro Tempore,
10 \$752,000.

11 OFFICES OF THE MAJORITY AND MINORITY LEADERS

12 For Offices of the Majority and Minority Leaders,
13 \$5,212,000.

14 OFFICES OF THE MAJORITY AND MINORITY WHIPS

15 For Offices of the Majority and Minority Whips,
16 \$3,288,000.

17 COMMITTEE ON APPROPRIATIONS

18 For salaries of the Committee on Appropriations,
19 \$15,844,000.

20 CONFERENCE COMMITTEES

21 For the Conference of the Majority and the Con-
22 ference of the Minority, at rates of compensation to be
23 fixed by the Chairman of each such committee,
24 \$1,726,000 for each such committee; in all, \$3,452,000.

1 OFFICES OF THE SECRETARIES OF THE CONFERENCE OF
2 THE MAJORITY AND THE CONFERENCE OF THE MINORITY
3 For Offices of the Secretaries of the Conference of
4 the Majority and the Conference of the Minority,
5 \$850,000.

6 POLICY COMMITTEES

7 For salaries of the Majority Policy Committee and
8 the Minority Policy Committee, \$1,763,000 for each such
9 committee; in all, \$3,526,000.

10 OFFICE OF THE CHAPLAIN

11 For Office of the Chaplain, \$415,000.

12 OFFICE OF THE SECRETARY

13 For Office of the Secretary, \$25,790,000.

14 OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

15 For Office of the Sergeant at Arms and Doorkeeper,
16 \$77,000,000.

17 OFFICES OF THE SECRETARIES FOR THE MAJORITY AND
18 MINORITY

19 For Offices of the Secretary for the Majority and the
20 Secretary for the Minority, \$1,836,000.

21 AGENCY CONTRIBUTIONS AND RELATED EXPENSES

22 For agency contributions for employee benefits, as
23 authorized by law, and related expenses, \$45,500,000.

1 OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

2 For salaries and expenses of the Office of the Legisla-
3 tive Counsel of the Senate, \$7,154,000.

4 OFFICE OF SENATE LEGAL COUNSEL

5 For salaries and expenses of the Office of Senate
6 Legal Counsel, \$1,544,000.

7 EXPENSE ALLOWANCES OF THE SECRETARY OF THE
8 SENATE, SERGEANT AT ARMS AND DOORKEEPER OF
9 THE SENATE, AND SECRETARIES FOR THE MAJOR-
10 ITY AND MINORITY OF THE SENATE

11 For expense allowances of the Secretary of the Sen-
12 ate, \$7,500; Sergeant at Arms and Doorkeeper of the Sen-
13 ate, \$7,500; Secretary for the Majority of the Senate,
14 \$7,500; Secretary for the Minority of the Senate, \$7,500;
15 in all, \$30,000.

16 CONTINGENT EXPENSES OF THE SENATE

17 INQUIRIES AND INVESTIGATIONS

18 For expenses of inquiries and investigations ordered
19 by the Senate, or conducted under paragraph 1 of rule
20 XXVI of the Standing Rules of the Senate, section 112
21 of the Supplemental Appropriations and Rescission Act,
22 1980 (Public Law 96–304), and Senate Resolution 281,
23 96th Congress, agreed to March 11, 1980, \$140,500,000.

1 EXPENSES OF THE UNITED STATES SENATE CAUCUS ON
2 INTERNATIONAL NARCOTICS CONTROL

3 For expenses of the United States Senate Caucus on
4 International Narcotics Control, \$520,000.

5 SECRETARY OF THE SENATE

6 For expenses of the Office of the Secretary of the
7 Senate \$6,200,000 of which \$4,200,000 shall remain
8 available until September 30, 2015.

9 SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

10 For expenses of the Office of the Sergeant at Arms
11 and Doorkeeper of the Senate, \$142,401,000, which shall
12 remain available until September 30, 2015.

13 MISCELLANEOUS ITEMS

14 For miscellaneous items, \$19,145,000.

15 SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE

16 ACCOUNT

17 For Senators' Official Personnel and Office Expense
18 Account, \$422,000,000.

19 OFFICIAL MAIL COSTS

20 For expenses necessary for official mail costs of the
21 Senate, \$300,000.

1 ADMINISTRATIVE PROVISION

2 ACQUISITION OF GOODS, SERVICES, OR SPACE

3 SEC. 1. Section 8 of the Legislative Branch Appro-
4 priations Act, 1990 (31 U.S.C. 1535 note) is amended by
5 striking paragraph (3) and inserting the following:

6 “(3) Agreement under paragraph (1) shall be in
7 accordance with regulations prescribed by the Com-
8 mittee on Rules and Administration of the Senate.”.

9 HOUSE OF REPRESENTATIVES

10 SALARIES AND EXPENSES

11 For salaries and expenses of the House of Represent-
12 atives, \$1,371,172,000, as follows:

13 HOUSE LEADERSHIP OFFICES

14 For salaries and expenses, as authorized by law,
15 \$26,157,000, including: Office of the Speaker,
16 \$5,143,000, including \$25,000 for official expenses of the
17 Speaker; Office of the Majority Floor Leader, \$2,560,000,
18 including \$10,000 for official expenses of the Majority
19 Leader; Office of the Minority Floor Leader, \$4,622,000,
20 including \$10,000 for official expenses of the Minority
21 Leader; Office of the Majority Whip, including the Chief
22 Deputy Majority Whip, \$2,222,000, including \$5,000 for
23 official expenses of the Majority Whip; Office of the Mi-
24 nority Whip, including the Chief Deputy Minority Whip,
25 \$1,713,000, including \$5,000 for official expenses of the

1 Minority Whip; Speaker's Office for Legislative Floor Ac-
2 tivities, \$518,000; Republican Steering Committee,
3 \$984,000; Republican Conference, \$1,771,000; Repub-
4 lican Policy Committee, \$360,000; Democratic Steering
5 and Policy Committee, \$1,371,000; Democratic Caucus,
6 \$1,744,000; nine minority employees, \$1,553,000; train-
7 ing and program development—majority, \$290,000; train-
8 ing and program development—minority, \$290,000;
9 Cloakroom Personnel—majority, \$508,000; and Cloak-
10 room Personnel—minority, \$508,000.

11 MEMBERS' REPRESENTATIONAL ALLOWANCES INCLUD-
12 ING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES
13 OF MEMEBERS, AND OFFICIAL MAIL

14 For Members' representational allowances, including
15 Members' clerk hire, official expenses, and official mail,
16 \$652,000,000.

17 COMMITTEE EMPLOYEES

18 STANDING COMMITTEES, SPECIAL AND SELECT

19 For salaries and expenses of standing committees,
20 special and select, authorized by House resolutions,
21 \$147,878,000: *Provided*, That such amount shall remain
22 available for such salaries and expenses until December
23 31, 2012.

1 COMMITTEE ON APPROPRIATIONS

2 For salaries and expenses of the Committee on Ap-
3 propriations, \$31,300,000, including studies and examina-
4 tions of executive agencies and temporary personal serv-
5 ices for such committee, to be expended in accordance with
6 section 202(b) of the Legislative Reorganization Act of
7 1946 and to be available for reimbursement to agencies
8 for services performed: *Provided*, That such amount shall
9 remain available for such salaries and expenses until De-
10 cember 31, 2012.

11 SALARIES, OFFICERS AND EMPLOYEES

12 For compensation and expenses of officers and em-
13 ployees, as authorized by law, \$193,011,000, including:
14 for salaries and expenses of the Office of the Clerk, includ-
15 ing not more than \$33,000, of which not more than
16 \$30,000 is for the Family Room, for official representa-
17 tion and reception expenses, \$29,265,000; for salaries and
18 expenses of the Office of the Sergeant at Arms, including
19 the position of Superintendent of Garages, and including
20 not more than \$3,000 for official representation and re-
21 ception expenses, \$16,538,000 of which \$7,044,000 shall
22 remain available until expended; for salaries and expenses
23 of the Office of the Chief Administrative Officer, including
24 not more than \$3,000 for official representation and re-
25 ception expenses, \$123,209,000, of which \$3,937,000

1 shall remain available until expended and \$20,000,000
2 shall not be available for obligation until the Committee
3 on Appropriations of the House of Representatives and the
4 Committee on House Administration receive the House
5 Services Action Plan from the Chief Administrative Offi-
6 cer; for salaries and expenses of the Office of the Inspector
7 General, \$5,207,000; salaries and expenses of the Office
8 of General Counsel, \$1,437,000; for the Office of the
9 Chaplain, \$176,000; for salaries and expenses of the Of-
10 fice of the Parliamentarian, including the Parliamen-
11 tarian, \$2,000 for preparing the Digest of Rules, and not
12 more than \$1,000 for official representation and reception
13 expenses, \$2,092,000; for salaries and expenses of the Of-
14 fice of the Law Revision Counsel of the House,
15 \$3,361,000; for salaries and expenses of the Office of the
16 Legislative Counsel of the House, \$8,890,000; for salaries
17 and expenses of the Office of Interparliamentary Affairs,
18 \$878,000; for other authorized employees, \$1,355,000;
19 and for salaries and expenses of the Office of the Histo-
20 rian, including the cost of the House Fellows Program (in-
21 cluding lodging and related expenses for visiting Program
22 participants), \$603,000.

23 ALLOWANCES AND EXPENSES

24 For allowances and expenses as authorized by House
25 resolution or law, \$320,826,000, including: supplies, mate-

1 rials, administrative costs and Federal tort claims,
2 \$4,323,000; official mail for committees, leadership of-
3 fices, and administrative offices of the House, \$201,000;
4 Government contributions for health, retirement, Social
5 Security, and other applicable employee benefits,
6 \$286,316,000, including employee tuition assistance ben-
7 efit payments, \$3,500,000, if authorized, and employee
8 child care benefit payments, \$1,000,000, if authorized;
9 Business Continuity and Disaster Recovery, \$22,031,000;
10 transition activities for new members and staff,
11 \$2,664,000; Wounded Warrior Program, \$2,500,000, to
12 remain available until expended; Office of Congressional
13 Ethics, \$2,020,000; and miscellaneous items including
14 purchase, exchange, maintenance, repair and operation of
15 House motor vehicles, interparliamentary receptions, and
16 gratuities to heirs of deceased employees of the House,
17 \$771,000.

18 CHILD CARE CENTER

19 For salaries and expenses of the House of Represent-
20 atives Child Care Center, such amounts as are deposited
21 in the account established by section 312(d)(1) of the Leg-
22 islative Branch Appropriations Act, 1992 (2 U.S.C. 2062),
23 subject to the level specified in the budget of the Center,
24 as submitted to the Committee on Appropriations of the
25 House of Representatives.

1 ADMINISTRATIVE PROVISIONS

2 SEC. 101. (a) REQUIRING AMOUNTS REMAINING IN
3 MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE
4 USED FOR DEFICIT REDUCTION OR TO REDUCE THE
5 FEDERAL DEBT.—Notwithstanding any other provision of
6 law, any amounts appropriated under this Act for
7 “HOUSE OF REPRESENTATIVES—Salaries and Ex-
8 penses—Members' Representational Allowances” shall be
9 available only for fiscal year 2011. Any amount remaining
10 after all payments are made under such allowances for fis-
11 cal year 2011 shall be deposited in the Treasury and used
12 for deficit reduction (or, if there is no Federal budget def-
13 icit after all such payments have been made, for reducing
14 the Federal debt, in such manner as the Secretary of the
15 Treasury considers appropriate).

16 (b) REGULATIONS.—The Committee on House Ad-
17 ministration of the House of Representatives shall have
18 authority to prescribe regulations to carry out this section.

19 (c) DEFINITION.—As used in this section, the term
20 “Member of the House of Representatives” means a Rep-
21 resentative in, or a Delegate or Resident Commissioner
22 to, the Congress.

1 TRANSFER OF HOUSE EMERGENCY PLANNING, PRE-
2 PAREDNESS, AND OPERATIONS FUNCTIONS TO SER-
3 GEANT AT ARMS

4 SEC. 102. (a) TERMINATION OF OEPPPO.—Section
5 905 of the Emergency Supplemental Act, 2002 (2 U.S.C.
6 130i) is repealed.

7 (b) TRANSFER TO SERGEANT AT ARMS.—The func-
8 tions and responsibilities of the Office of Emergency Plan-
9 ning, Preparedness, and Operations under section 905 of
10 the Emergency Supplemental Act, 2002 (2 U.S.C. 130i)
11 (as in effect on the day before the date referred to in sub-
12 section (c)) shall be transferred and assigned to the Ser-
13 geant At Arms of the House of Representatives.

14 (c) EFFECTIVE DATE.—This section and the amend-
15 ment made by this section shall take effect February 1,
16 2010.

17 JOINT ITEMS

18 For Joint Items, as follows:

19 JOINT ECONOMIC COMMITTEE

20 For salaries and expenses of the Joint Economic
21 Committee, \$4,814,000, to be disbursed by the Secretary
22 of the Senate.

1 JOINT COMMITTEE ON TAXATION

2 For salaries and expenses of the Joint Committee on
3 Taxation, \$11,327,000, to be disbursed by the Chief Ad-
4 ministrative Officer of the House of Representatives.

5 OFFICE OF THE ATTENDING PHYSICIAN

6 For medical supplies, equipment, and contingent ex-
7 penses of the emergency rooms, and for the Attending
8 Physician and his assistants, including: (1) an allowance
9 of \$2,175 per month to the Attending Physician; (2) an
10 allowance of \$1,300 per month to the Senior Medical Offi-
11 cer; (3) an allowance of \$725 per month each to three
12 medical officers while on duty in the Office of the Attend-
13 ing Physician; (4) an allowance of \$725 per month to two
14 assistants and \$580 per month each not to exceed 11 as-
15 sistants on the basis heretofore provided for such assist-
16 ants; and (5) \$2,426,000 for reimbursement to the De-
17 partment of the Navy for expenses incurred for staff and
18 equipment assigned to the Office of the Attending Physi-
19 cian, which shall be advanced and credited to the applica-
20 ble appropriation or appropriations from which such sala-
21 ries, allowances, and other expenses are payable and shall
22 be available for all the purposes thereof, \$3,407,000, to
23 be disbursed by the Chief Administrative Officer of the
24 House of Representatives.

1 OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES
2 SALARIES AND EXPENSES

3 For salaries and expenses of the Office of Congres-
4 sional Accessibility Services, \$1,377,000, to be disbursed
5 by the Secretary of the Senate.

6 TECHNICAL CORRECTION

7 SEC. 1001. (a) IN GENERAL.—Section 102(a) of the
8 Legislative Branch Appropriations Act, 2002 (2 U.S.C.
9 60c–5(a)) is amended—

10 (1) in paragraph (1), by inserting “, except as
11 provided under subsection (b)(3)” after “means an
12 individual”; and

13 (2) by striking paragraphs (2) and (3) and in-
14 serting the following:

15 “(2) EMPLOYEE OF THE SENATE.—The term
16 ‘employee of the Senate’—

17 “(A) has the meaning given the term
18 under section 101 of the Congressional Ac-
19 countability Act of 1995 (2 U.S.C. 1301); and

20 “(B) includes any employee of the Office of
21 Congressional Accessibility Services whose pay
22 is disbursed by the Secretary of the Senate.

23 “(3) EMPLOYING OFFICE.—The term ‘employ-
24 ing office’—

1 “(A) means the employing office, as de-
2 fined under section 101 of the Congressional
3 Accountability Act of 1995 (2 U.S.C. 1301), of
4 an employee of the Senate; and

5 “(B) includes the Office of Congressional
6 Accessibility Services with respect to employees
7 of that office whose pay is disbursed by the
8 Secretary of the Senate.”.

9 (b) EXCLUSION FROM PARTICIPATION IN DUAL PRO-
10 GRAMS.—Section 102(b) of the Legislative Branch Appro-
11 priations Act, 2002 (2 U.S.C. 60c–5(b)) is amended by
12 adding at the end the following:

13 “(3) EXCLUSION FROM PARTICIPATION IN DUAL
14 PROGRAMS.—Notwithstanding section 5379 of title
15 5, United States Code, an employee of the Office of
16 Congressional Accessibility Services may not partici-
17 pate in the student loan repayment program through
18 an agreement under that section and participate in
19 the student loan repayment program through a serv-
20 ice agreement under this section at the same time.”.

21 (c) EFFECTIVE DATE AND APPLICATION.—The
22 amendments made by this section shall take effect on the
23 date of enactment of this Act and apply to service agree-
24 ments entered into under section 102 of the Legislative
25 Branch Appropriations Act, 2002 (2 U.S.C. 60c–5) or sec-

1 tion 5379 of title 5, United States Code, on or after that
2 date.

3 CAPITOL POLICE

4 SALARIES

5 For salaries of employees of the Capitol Police, in-
6 cluding overtime, hazardous duty pay, and Government
7 contributions for health, retirement, social security, pro-
8 fessional liability insurance, and other applicable employee
9 benefits, \$279,224,000, of which \$1,945,000 shall remain
10 available until September 30, 2014, to be disbursed by the
11 Chief of the Capitol Police or his designee.

12 GENERAL EXPENSES

13 For necessary expenses of the Capitol Police, includ-
14 ing motor vehicles, communications and other equipment,
15 security equipment and installation, uniforms, weapons,
16 supplies, materials, training, medical services, forensic
17 services, stenographic services, personal and professional
18 services, the employee assistance program, the awards pro-
19 gram, postage, communication services, travel advances,
20 relocation of instructor and liaison personnel for the Fed-
21 eral Law Enforcement Training Center, and not more
22 than \$5,000 to be expended on the certification of the
23 Chief of the Capitol Police in connection with official rep-
24 resentation and reception expenses, \$57,985,000, to be
25 disbursed by the Chief of the Capitol Police or his des-

1 ignee: *Provided*, That, notwithstanding any other provision
2 of law, the cost of basic training for the Capitol Police
3 at the Federal Law Enforcement Training Center for fis-
4 cal year 2011 shall be paid by the Secretary of Homeland
5 Security from funds available to the Department of Home-
6 land Security.

7 ADMINISTRATIVE PROVISIONS

8 TRANSFER AUTHORITY

9 SEC. 1101. Amounts appropriated for fiscal year
10 2011 for the Capitol Police may be transferred between
11 the headings “Salaries” and “General Expenses” upon the
12 approval of the Committees on Appropriations of the
13 House of Representatives and the Senate.

14 USE OF FUNDS FOR THE TRUCK INTERDICTION

15 MONITORING PROGRAM

16 SEC. 1102. (a) Notwithstanding section 1018(d) of
17 the Legislative Branch Appropriations Act, 2003 (2
18 U.S.C. 1907(d)), the use of any funds appropriated to the
19 United States Capitol Police during fiscal year 2003 for
20 transfer relating to the Truck Interdiction Monitoring
21 Program to the working capital fund established under
22 section 328 of title 49, United States Code is ratified.

23 (b) Nothing in subsection (a) may be construed to
24 waive sections 1341, 1342, 1349, 1350, or 1351 of title
25 31, United States Code, or subchapter II of chapter 15

1 of such title (commonly known as the “Anti-Deficiency
2 Act”).

3 OFFICE OF COMPLIANCE

4 SALARIES AND EXPENSES

5 For salaries and expenses of the Office of Compli-
6 ance, as authorized by section 305 of the Congressional
7 Accountability Act of 1995 (2 U.S.C. 1385), \$4,377,000,
8 of which \$884,000 shall remain available until September
9 30, 2012: *Provided*, That not more than \$500 may be ex-
10 pended on the certification of the Executive Director of
11 the Office of Compliance in connection with official rep-
12 resentation and reception expenses.

13 CONGRESSIONAL BUDGET OFFICE

14 SALARIES AND EXPENSES

15 For salaries and expenses necessary for operation of
16 the Congressional Budget Office, including not more than
17 \$6,000 to be expended on the certification of the Director
18 of the Congressional Budget Office in connection with offi-
19 cial representation and reception expenses, \$46,905,000.

20 ARCHITECT OF THE CAPITOL

21 GENERAL ADMINISTRATION

22 For salaries for the Architect of the Capitol, and
23 other personal services, at rates of pay provided by law;
24 for surveys and studies in connection with activities under
25 the care of the Architect of the Capitol; for all necessary

1 expenses for the general and administrative support of the
2 operations under the Architect of the Capitol including the
3 Botanic Garden; electrical substations of the Capitol, Sen-
4 ate and House office buildings, and other facilities under
5 the jurisdiction of the Architect of the Capitol; including
6 furnishings and office equipment; including not more than
7 \$5,000 for official reception and representation expenses,
8 to be expended as the Architect of the Capitol may ap-
9 prove; for purchase or exchange, maintenance, and oper-
10 ation of a passenger motor vehicle, and for lease payments
11 on behalf of the United States Capitol Historical Society,
12 \$109,294,000, of which \$7,499,000 shall remain available
13 until September 30, 2015.

14 CAPITOL BUILDING

15 For all necessary expenses for the maintenance, care
16 and operation of the Capitol, \$52,916,000, of which
17 \$25,526,000 shall remain available until September 30,
18 2015.

19 CAPITOL GROUNDS

20 For all necessary expenses for care and improvement
21 of grounds surrounding the Capitol, the Senate and House
22 office buildings, and the Capitol Power Plant, \$9,988,000.

23 SENATE OFFICE BUILDINGS

24 For all necessary expenses for the maintenance, care
25 and operation of Senate office buildings; and furniture and

1 furnishings to be expended under the control and super-
2 vision of the Architect of the Capitol, \$81,112,000, of
3 which \$19,474,000 shall remain available until September
4 30, 2015.

5 HOUSE OFFICE BUILDINGS

6 For necessary expenses for the maintenance, care and
7 operation of the House office buildings, \$75,619,000, of
8 which \$25,323,000 shall remain available until September
9 30, 2015. In addition, for a payment to the House His-
10 toric Buildings Revitalization Trust Fund, \$40,000,000,
11 to remain available until expended.

12 CAPITOL POWER PLANT

13 For all necessary expenses for the maintenance, care
14 and operation of the Capitol Power Plant; lighting, heat-
15 ing, power (including the purchase of electrical energy)
16 and water and sewer services for the Capitol, Senate and
17 House office buildings, Library of Congress buildings, and
18 the grounds about the same, Botanic Garden, Senate ga-
19 rage, and air conditioning refrigeration not supplied from
20 plants in any of such buildings; heating the Government
21 Printing Office and Washington City Post Office, and
22 heating and chilled water for air conditioning for the Su-
23 preme Court Building, the Union Station complex, the
24 Thurgood Marshall Federal Judiciary Building and the
25 Folger Shakespeare Library, expenses for which shall be

1 advanced or reimbursed upon request of the Architect of
2 the Capitol and amounts so received shall be deposited
3 into the Treasury to the credit of this appropriation,
4 \$109,069,000, of which \$15,100,000 shall remain avail-
5 able until September 30, 2015: *Provided*, That not more
6 than \$8,000,000 of the funds credited or to be reimbursed
7 to this appropriation as herein provided shall be available
8 for obligation during fiscal year 2011.

9 LIBRARY BUILDINGS AND GROUNDS

10 For all necessary expenses for the mechanical and
11 structural maintenance, care and operation of the Library
12 buildings and grounds, \$40,796,000, of which
13 \$13,857,000 shall remain available until September 30,
14 2015.

15 CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

16 For all necessary expenses for the maintenance, care
17 and operation of buildings, grounds and security enhance-
18 ments of the United States Capitol Police, wherever lo-
19 cated, the Alternate Computer Facility, and AOC security
20 operations, \$26,266,000, of which \$6,436,000 shall re-
21 main available until September 30, 2015.

22 BOTANIC GARDEN

23 For all necessary expenses for the maintenance, care
24 and operation of the Botanic Garden and the nurseries,
25 buildings, grounds, and collections; and purchase and ex-

1 change, maintenance, repair, and operation of a passenger
2 motor vehicle; all under the direction of the Joint Com-
3 mittee on the Library, \$13,834,000, of which \$1,505,000
4 shall remain available until September 30, 2015: *Provided*,
5 That of the amount made available under this heading,
6 the Architect of the Capitol may obligate and expend such
7 sums as may be necessary for the maintenance, care and
8 operation of the National Garden established under sec-
9 tion 307E of the Legislative Branch Appropriations Act,
10 1989 (2 U.S.C. 2146), upon vouchers approved by the Ar-
11 chitect of the Capitol or a duly authorized designee.

12 CAPITOL VISITOR CENTER

13 For all necessary expenses for the operation of the
14 Capitol Visitor Center, \$22,771,000.

15 LIBRARY OF CONGRESS

16 SALARIES AND EXPENSES

17 For necessary expenses of the Library of Congress
18 not otherwise provided for, including development and
19 maintenance of the Library's catalogs; custody and custo-
20 dial care of the Library buildings; special clothing; clean-
21 ing, laundering and repair of uniforms; preservation of
22 motion pictures in the custody of the Library; operation
23 and maintenance of the American Folklife Center in the
24 Library; activities under the Civil Rights History Project
25 Act of 2009; preparation and distribution of catalog

1 records and other publications of the Library; hire or pur-
2 chase of one passenger motor vehicle; and expenses of the
3 Library of Congress Trust Fund Board not properly
4 chargeable to the income of any trust fund held by the
5 Board, \$443,345,000, of which not more than \$6,000,000
6 shall be derived from collections credited to this appropria-
7 tion during fiscal year 2011, and shall remain available
8 until expended, under the Act of June 28, 1902 (chapter
9 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than
10 \$350,000 shall be derived from collections during fiscal
11 year 2011 and shall remain available until expended for
12 the development and maintenance of an international legal
13 information database and activities related thereto: *Pro-*
14 *vided*, That the Library of Congress may not obligate or
15 expend any funds derived from collections under the Act
16 of June 28, 1902, in excess of the amount authorized for
17 obligation or expenditure in appropriations Acts: *Provided*
18 *further*, That the total amount available for obligation
19 shall be reduced by the amount by which collections are
20 less than \$6,350,000: *Provided further*, That of the total
21 amount appropriated, not more than \$12,000 may be ex-
22 pended, on the certification of the Librarian of Congress,
23 in connection with official representation and reception ex-
24 penses for the Overseas Field Offices: *Provided further*,
25 That of the total amount appropriated, \$7,315,000 shall

1 tification of the Librarian of Congress, in connection with
2 official representation and reception expenses for activities
3 of the International Copyright Institute and for copyright
4 delegations, visitors, and seminars: *Provided further*, That
5 notwithstanding any provision of chapter 8 of title 17,
6 United States Code, any amounts made available under
7 this heading which are attributable to royalty fees and
8 payments received by the Copyright Office pursuant to
9 sections 111, 119, and chapter 10 of such title may be
10 used for the costs incurred in the administration of the
11 Copyright Royalty Judges program, with the exception of
12 the costs of salaries and benefits for the Copyright Royalty
13 Judges and staff under section 802(e).

14 CONGRESSIONAL RESEARCH SERVICE

15 SALARIES AND EXPENSES

16 For necessary expenses to carry out the provisions
17 of section 203 of the Legislative Reorganization Act of
18 1946 (2 U.S.C. 166) and to revise and extend the Anno-
19 tated Constitution of the United States of America,
20 \$114,341,000: *Provided*, That no part of such amount
21 may be used to pay any salary or expense in connection
22 with any publication, or preparation of material therefor
23 (except the Digest of Public General Bills), to be issued
24 by the Library of Congress unless such publication has
25 obtained prior approval of either the Committee on House

1 Administration of the House of Representatives or the
2 Committee on Rules and Administration of the Senate.

3 BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED
4 SALARIES AND EXPENSES

5 For salaries and expenses to carry out the Act of
6 March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C.
7 135a), \$70,500,000, of which \$30,599,000 shall remain
8 available until expended: *Provided*, That of the total
9 amount appropriated, \$650,000 shall be available to con-
10 tract to provide newspapers to blind and physically handi-
11 capped residents at no cost to the individual.

12 ADMINISTRATIVE PROVISIONS

13 REIMBURSABLE AND REVOLVING FUND ACTIVITIES

14 SEC. 1301. (a) IN GENERAL.—For fiscal year 2011,
15 the obligational authority of the Library of Congress for
16 the activities described in subsection (b) may not exceed
17 \$148,064,000.

18 (b) ACTIVITIES.—The activities referred to in sub-
19 section (a) are reimbursable and revolving fund activities
20 that are funded from sources other than appropriations
21 to the Library in appropriations Acts for the legislative
22 branch.

23 (c) TRANSFER OF FUNDS.—During fiscal year 2011,
24 the Librarian of Congress may temporarily transfer funds
25 appropriated in this Act, under the heading “Library of

1 Congress”, under the subheading “Salaries and Ex-
2 penses”, to the revolving fund for the FEDLINK Program
3 and the Federal Research Program established under sec-
4 tion 103 of the Library of Congress Fiscal Operations Im-
5 provement Act of 2000 (Public Law 106–481; 2 U.S.C.
6 182c): *Provided*, That the total amount of such transfers
7 may not exceed \$1,900,000: *Provided further*, That the ap-
8 propriate revolving fund account shall reimburse the Li-
9 brary for any amounts transferred to it before the period
10 of availability of the Library appropriation expires.

11

TRANSFER AUTHORITY

12 SEC. 1302. (a) IN GENERAL.—Amounts appropriated
13 for fiscal year 2011 for the Library of Congress may be
14 transferred during fiscal year 2011 between any of the
15 headings under the heading “Library of Congress” upon
16 the approval of the Committees on Appropriations of the
17 Senate and the House of Representatives.

18 (b) LIMITATION.—Not more than 10 percent of the
19 total amount of funds appropriated to the account under
20 any heading under the heading “Library of Congress” for
21 fiscal year 2011 may be transferred from that account by
22 all transfers made under subsection (a).

1 FUNDS AVAILABLE FOR WORKERS COMPENSATION
2 PAYMENTS

3 SEC. 1303. (a) IN GENERAL.—Unobligated balances
4 of expired Library of Congress appropriations for fiscal
5 year 2011 and each fiscal year thereafter shall be available
6 to the Library of Congress to make the deposit to the cred-
7 it of the Employees' Compensation Fund required by sub-
8 section 8147(b) of title 5, United States Code.

9 (b) EFFECTIVE DATE.—This section shall apply with
10 respect to appropriations for fiscal year 2011 and each
11 fiscal year thereafter.

12 PROCEEDS FROM DISPOSITION OF SURPLUS OR
13 OBSOLETE PROPERTY

14 SEC. 1304. (a) IN GENERAL.—Within the limits of
15 available appropriations, the Librarian of Congress may
16 dispose of surplus or obsolete personal property of the Li-
17 brary of Congress by inter-agency transfer, donation, sale,
18 trade-in, or discarding. Amounts received for the sale or
19 trade-in of personal property shall be credited to funds
20 available for the operations of the Library of Congress and
21 be available for the costs of acquiring similar property.
22 Such funds shall be available for such purposes during the
23 fiscal year received and the following fiscal year.

24 (b) EFFECTIVE DATE.—This section shall apply with
25 respect to fiscal year 2011 and each fiscal year thereafter.

1 NONAPPROPRIATED FUNDS INITIATIVES

2 SEC. 1305. (a) REVOLVING FUNDS.—The Library of
3 Congress Fiscal Operations Improvement Act of 2000 (2
4 U.S.C. 182a et seq.; Public Law 106–481) is amended—

5 (1) in section 101 (2 U.S.C. 182a)—

6 (A) in the section heading, by striking

7 “**DUPLICATION**”;

8 (B) in subsection (a)—

9 (i) by striking “duplication and deliv-
10 ery services provided by” and inserting
11 “the following programs and activities of”;

12 (ii) by striking the period and insert-
13 ing a colon; and

14 (iii) by adding at the end the fol-
15 lowing:

16 “(1) Duplication and delivery services.

17 “(2) Storage of audiovisual materials.”; and

18 (2) in section 102(a) (2 U.S.C. 182b(a)), by
19 adding at the end the following:

20 “(5) Traveling exhibitions.

21 “(6) Training.”.

22 (b) GIFTS.—Section 4 of the Act entitled “An Act
23 to create a Library of Congress Trust Fund Board, and
24 for other purposes”, approved March 3, 1925 (2 U.S.C.
25 160), is amended—

1 (1) in the first undesignated paragraph—

2 (A) in the first sentence—

3 (i) by striking “Nothing” and insert-
4 ing “(a) IN GENERAL.—Nothing”;

5 (ii) by striking “gifts or bequests of
6 money for immediate disbursement” and
7 inserting “and”; and

8 (iii) by inserting “, gifts or bequests
9 of personal property, nonpersonal services,
10 voluntary and uncompensated personal
11 services, or money for immediate disburse-
12 ment” before the period;

13 (B) in the second sentence, by inserting
14 “of money” after “bequests”;

15 (C) in the third sentence, by striking
16 “enter them” and inserting “enter the gift, be-
17 quest, or proceeds”; and

18 (D) by inserting “In the case of a gift of
19 securities, the librarian shall sell the securities
20 and provide the donor with a receipt from the
21 proceeds of the sale.” after the second sentence;
22 and

23 (2) by adding at the end the following:

24 “(b) REPORTING, DISCLOSURE, AND NOTIFICATION
25 REQUIREMENTS.—

1 “(1) REPORTING AND DISCLOSURE.—

2 “(A) ISSUANCE.—Each year the Librarian
3 of Congress shall issue a public report that dis-
4 closes—

5 “(i) each gift or bequest accepted
6 under subsection (a), including each gift or
7 bequest of personal property, nonpersonal
8 services, voluntary and uncompensated
9 personal services, or money for immediate
10 disbursement; and

11 “(ii) details of any financial trans-
12 action required under subsection (a) relat-
13 ing to each of those gifts or bequests.

14 “(B) PUBLICATION.—Each public report
15 issued under subparagraph (A) shall be pub-
16 lished in the Annual Report of the Librarian of
17 Congress and the annual Financial Statements
18 of the Library of Congress, with specific pagi-
19 nation of each gift or bequest listed in the table
20 of contents or index.

21 “(C) WEBSITE PUBLIC ACCESS.—The An-
22 nual Report of the Librarian of Congress and
23 the annual Financial Statements of the Library
24 of Congress, including the public report issued
25 under subparagraph (A), shall be posted on the

1 website of the Library of Congress for public
2 access.

3 “(2) NOTIFICATION.—Not later than 5 business
4 days before acceptance or rejection of any gift or be-
5 quest under subsection (a), the Librarian of Con-
6 gress shall notify the Chairman and the Vice-Chair-
7 man of the Joint Committee on the Library of—

8 “(A) the determination of the Librarian of
9 Congress to accept or reject that gift or be-
10 quest; and

11 “(B) if the gift or bequest is accepted, the
12 details of all financial transactions relating to
13 that gift or bequest.”.

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall apply with respect to fiscal year 2011,
16 and each fiscal year thereafter.

17 GOVERNMENT PRINTING OFFICE

18 CONGRESSIONAL PRINTING AND BINDING

19 For authorized printing and binding for the Congress
20 and the distribution of Congressional information in any
21 format; printing and binding for the Architect of the Cap-
22 itol; expenses necessary for preparing the semimonthly
23 and session index to the Congressional Record, as author-
24 ized by law (section 902 of title 44, United States Code);
25 printing and binding of Government publications author-

1 ized by law to be distributed to Members of Congress; and
2 printing, binding, and distribution of Government publica-
3 tions authorized by law to be distributed without charge
4 to the recipient, \$96,652,000: *Provided*, That this appro-
5 priation shall not be available for paper copies of the per-
6 manent edition of the Congressional Record for individual
7 Representatives, Resident Commissioners or Delegates au-
8 thorized under section 906 of title 44, United States Code:
9 *Provided further*, That this appropriation shall be available
10 for the payment of obligations incurred under the appro-
11 priations for similar purposes for preceding fiscal years:
12 *Provided further*, That notwithstanding the 2-year limita-
13 tion under section 718 of title 44, United States Code,
14 none of the funds appropriated or made available under
15 this Act or any other Act for printing and binding and
16 related services provided to Congress under chapter 7 of
17 title 44, United States Code, may be expended to print
18 a document, report, or publication after the 27-month pe-
19 riod beginning on the date that such document, report,
20 or publication is authorized by Congress to be printed, un-
21 less Congress reauthorizes such printing in accordance
22 with section 718 of title 44, United States Code: *Provided*
23 *further*, That any unobligated or unexpended balances in
24 this account or accounts for similar purposes for preceding
25 fiscal years may be transferred to the Government Print-

1 ing Office revolving fund for carrying out the purposes of
2 this heading, subject to the approval of the Committees
3 on Appropriations of the House of Representatives and
4 Senate.

5 OFFICE OF SUPERINTENDENT OF DOCUMENTS

6 SALARIES AND EXPENSES

7 For expenses of the Office of Superintendent of Doc-
8 uments necessary to provide for the cataloging and index-
9 ing of Government publications and their distribution to
10 the public, Members of Congress, other Government agen-
11 cies, and designated depository and international exchange
12 libraries as authorized by law, \$42,682,000: *Provided*,
13 That amounts of not more than \$2,000,000 from current
14 year appropriations are authorized for producing and dis-
15 seminating congressional serial sets and other related pub-
16 lications for fiscal years 2009 and 2010 to depository and
17 other designated libraries: *Provided further*, That any un-
18 obligated or unexpended balances in this account or ac-
19 counts for similar purposes for preceding fiscal years may
20 be transferred to the Government Printing Office revolv-
21 ing fund for carrying out the purposes of this heading,
22 subject to the approval of the Committees on Appropria-
23 tions of the House of Representatives and Senate.

1 GOVERNMENT PRINTING OFFICE REVOLVING FUND

2 For payment to the Government Printing Office Re-
3 volving Fund, \$8,127,000 for information technology de-
4 velopment, facilities repair, and continuity of operations:
5 *Provided*, That the Government Printing Office is hereby
6 authorized to make such expenditures, within the limits
7 of funds available and in accordance with law, and to
8 make such contracts and commitments without regard to
9 fiscal year limitations as provided by section 9104 of title
10 31, United States Code, as may be necessary in carrying
11 out the programs and purposes set forth in the budget
12 for the current fiscal year for the Government Printing
13 Office revolving fund: *Provided further*, That not more
14 than \$7,500 may be expended on the certification of the
15 Public Printer in connection with official representation
16 and reception expenses: *Provided further*, That the revolv-
17 ing fund shall be available for the hire or purchase of not
18 more than 12 passenger motor vehicles: *Provided further*,
19 That expenditures in connection with travel expenses of
20 the advisory councils to the Public Printer shall be deemed
21 necessary to carry out the provisions of title 44, United
22 States Code: *Provided further*, That the revolving fund
23 shall be available for temporary or intermittent services
24 under section 3109(b) of title 5, United States Code, but
25 at rates for individuals not more than the daily equivalent

1 of the annual rate of basic pay for level V of the Executive
2 Schedule under section 5316 of such title: *Provided fur-*
3 *ther*, That activities financed through the revolving fund
4 may provide information in any format: *Provided further*,
5 That the revolving fund and the funds provided under the
6 headings “Office of Superintendent of Documents” and
7 “Salaries and Expenses” may not be used for contracted
8 security services at GPO’s passport facility in the District
9 of Columbia.

10 GOVERNMENT ACCOUNTABILITY OFFICE

11 SALARIES AND EXPENSES

12 For necessary expenses of the Government Account-
13 ability Office, including not more than \$12,500 to be ex-
14 pended on the certification of the Comptroller General of
15 the United States in connection with official representa-
16 tion and reception expenses; temporary or intermittent
17 services under section 3109(b) of title 5, United States
18 Code, but at rates for individuals not more than the daily
19 equivalent of the annual rate of basic pay for level IV of
20 the Executive Schedule under section 5315 of such title;
21 hire of one passenger motor vehicle; advance payments in
22 foreign countries in accordance with section 3324 of title
23 31, United States Code; benefits comparable to those pay-
24 able under sections 901(5), (6), and (8) of the Foreign
25 Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8));

1 and under regulations prescribed by the Comptroller Gen-
2 eral of the United States, rental of living quarters in for-
3 eign countries, \$558,430,000: *Provided*, That not more
4 than \$9,400,000 of payments received under section 782
5 of title 31, United States Code, shall be available for use
6 in fiscal year 2011: *Provided further*, That not more than
7 \$3,100,000 of reimbursements received under section
8 9105 of title 31, United States Code, shall be available
9 for use in fiscal year 2011: *Provided further*, That not
10 more than \$7,000,000 of reimbursements received under
11 section 3521 of title 31, United States Code, shall be
12 available for use in fiscal year 2011: *Provided further*,
13 That this appropriation and appropriations for adminis-
14 trative expenses of any other department or agency which
15 is a member of the National Intergovernmental Audit
16 Forum or a Regional Intergovernmental Audit Forum
17 shall be available to finance an appropriate share of either
18 Forum's costs as determined by the respective Forum, in-
19 cluding necessary travel expenses of non-Federal partici-
20 pants: *Provided further*, That payments hereunder to the
21 Forum may be credited as reimbursements to any appro-
22 priation from which costs involved are initially financed.

1 FISCAL YEAR LIMITATION

2 SEC. 202. No part of the funds appropriated in this
3 Act shall remain available for obligation beyond fiscal year
4 2011 unless expressly so provided in this Act.

5 RATES OF COMPENSATION AND DESIGNATION

6 SEC. 203. Whenever in this Act any office or position
7 not specifically established by the Legislative Pay Act of
8 1929 (46 Stat. 32 et seq.) is appropriated for or the rate
9 of compensation or designation of any office or position
10 appropriated for is different from that specifically estab-
11 lished by such Act, the rate of compensation and the des-
12 ignation in this Act shall be the permanent law with re-
13 spect thereto: *Provided*, That the provisions in this Act
14 for the various items of official expenses of Members, offi-
15 cers, and committees of the Senate and House of Rep-
16 resentatives, and clerk hire for Senators and Members of
17 the House of Representatives shall be the permanent law
18 with respect thereto.

19 CONSULTING SERVICES

20 SEC. 204. The expenditure of any appropriation
21 under this Act for any consulting service through procure-
22 ment contract, under section 3109 of title 5, United States
23 Code, shall be limited to those contracts where such ex-
24 penditures are a matter of public record and available for
25 public inspection, except where otherwise provided under

1 existing law, or under existing Executive order issued
2 under existing law.

3 AWARDS AND SETTLEMENTS

4 SEC. 205. Such sums as may be necessary are appro-
5 priated to the account described in subsection (a) of sec-
6 tion 415 of the Congressional Accountability Act of 1995
7 (2 U.S.C. 1415(a)) to pay awards and settlements as au-
8 thorized under such subsection.

9 COSTS OF LBFMC

10 SEC. 206. Amounts available for administrative ex-
11 penses of any legislative branch entity which participates
12 in the Legislative Branch Financial Managers Council
13 (LBFMC) established by charter on March 26, 1996, shall
14 be available to finance an appropriate share of LBFMC
15 costs as determined by the LBFMC, except that the total
16 LBFMC costs to be shared among all participating legisla-
17 tive branch entities (in such allocations among the entities
18 as the entities may determine) may not exceed \$2,000.

19 LANDSCAPE MAINTENANCE

20 SEC. 207. The Architect of the Capitol, in consulta-
21 tion with the District of Columbia, is authorized to main-
22 tain and improve the landscape features, excluding streets,
23 in the irregular shaped grassy areas bounded by Wash-
24 ington Avenue, SW, on the northeast, Second Street, SW,

1 on the west, Square 582 on the south, and the beginning
2 of the I-395 tunnel on the southeast.

3 LIMITATION ON TRANSFERS

4 SEC. 208. None of the funds made available in this
5 Act may be transferred to any department, agency, or in-
6 strumentality of the United States Government, except
7 pursuant to a transfer made by, or transfer authority pro-
8 vided in, this Act or any other appropriation Act.

9 GUIDED TOURS OF THE CAPITOL

10 SEC. 209. (a) Except as provided in subsection (b),
11 none of the funds made available to the Architect of the
12 Capitol in this Act may be used to eliminate or restrict
13 guided tours of the United States Capitol which are led
14 by employees and interns of offices of Members of Con-
15 gress and other offices of the House of Representatives
16 and Senate.

17 (b) At the direction of the Capitol Police Board, or
18 at the direction of the Architect of the Capitol with the
19 approval of the Capitol Police Board, guided tours of the
20 United States Capitol which are led by employees and in-
21 terns described in subsection (a) may be suspended tempo-
22 rarily or otherwise subject to restriction for security or re-
23 lated reasons to the same extent as guided tours of the
24 United States Capitol which are led by the Architect of
25 the Capitol.

1 (RESCISSION)

2 SEC. 210. Of the unobligated balances available to
3 the Architect of the Capitol from prior year appropriations
4 for the Capitol Visitor Center project, \$20,000,000 are
5 hereby rescinded.

6 This division may be cited as the “Legislative Branch
7 Appropriations Act, 2011”.

8 **DIVISION J—MILITARY CONSTRUCTION**
9 **AND VETERANS AFFAIRS, AND RE-**
10 **LATED AGENCIES APPROPRIATIONS**
11 **ACT, 2011**

12 TITLE I

13 DEPARTMENT OF DEFENSE

14 MILITARY CONSTRUCTION, ARMY

15 For acquisition, construction, installation, and equip-
16 ment of temporary or permanent public works, military
17 installations, facilities, and real property for the Army as
18 currently authorized by law, including personnel in the
19 Army Corps of Engineers and other personal services nec-
20 essary for the purposes of this appropriation, and for con-
21 struction and operation of facilities in support of the func-
22 tions of the Commander in Chief, \$3,891,395,000 to re-
23 main available until September 30, 2015, of which
24 \$190,000,000 shall be for trainee troop housing facilities:
25 *Provided*, That of this amount, not to exceed

1 \$263,783,000 shall be available for study, planning, de-
2 sign, architect and engineer services, and host nation sup-
3 port, as authorized by law, unless the Secretary of the
4 Army determines that additional obligations are necessary
5 for such purposes and notifies the Committees on Appro-
6 priations of both Houses of Congress of the determination
7 and the reasons therefor: *Provided further*, That, not later
8 than 30 days after the date of the enactment of this Act,
9 the Secretary of the Army shall submit to the Committees
10 on Appropriations of both Houses of Congress an expendi-
11 ture plan for the funds provided for trainee troop housing
12 facilities: *Provided further*, That none of the funds pro-
13 vided under this heading for military construction sup-
14 porting new initiatives in Germany as identified in the
15 table entitled “Military Construction” as specified in the
16 explanatory statement described in section 4 (in the mat-
17 ter preceding division A of this consolidated Act) may be
18 obligated or expended until the Department of Defense
19 completes an evaluation of the North Atlantic Treaty Or-
20 ganization Strategic Concept Review and an accom-
21 panying United States assessment of its defense posture
22 in Europe, and a “Front End Assessment” of the Depart-
23 ment’s global posture for the fiscal year 2012 to 2016 pro-
24 gram budget review cycle, and the Secretary of Defense
25 provides to the congressional defense committees a certifi-

1 cation of the requirement identified by the assessments for
2 each of the Army military construction projects in Ger-
3 many funded in this section.

4 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

5 For acquisition, construction, installation, and equip-
6 ment of temporary or permanent public works, naval in-
7 stallations, facilities, and real property for the Navy and
8 Marine Corps as currently authorized by law, including
9 personnel in the Naval Facilities Engineering Command
10 and other personal services necessary for the purposes of
11 this appropriation, \$3,506,557,000, to remain available
12 until September 30, 2015: *Provided*, That of this amount,
13 not to exceed \$128,970,000 shall be available for study,
14 planning, design, and architect and engineer services, as
15 authorized by law, unless the Secretary of the Navy deter-
16 mines that additional obligations are necessary for such
17 purposes and notifies the Committees on Appropriations
18 of both Houses of Congress of the determination and the
19 reasons therefor.

20 MILITARY CONSTRUCTION, AIR FORCE

21 For acquisition, construction, installation, and equip-
22 ment of temporary or permanent public works, military
23 installations, facilities, and real property for the Air Force
24 as currently authorized by law, \$1,296,967,000, to remain
25 available until September 30, 2015: *Provided*, That of this

1 amount, not to exceed \$84,401,000 shall be available for
2 study, planning, design, and architect and engineer serv-
3 ices, as authorized by law, unless the Secretary of the Air
4 Force determines that additional obligations are necessary
5 for such purposes and notifies the Committees on Appro-
6 priations of both Houses of Congress of the determination
7 and the reasons therefor.

8 MILITARY CONSTRUCTION, DEFENSE-WIDE

9 (INCLUDING TRANSFER AND RESCISSIONS OF FUNDS)

10 For acquisition, construction, installation, and equip-
11 ment of temporary or permanent public works, installa-
12 tions, facilities, and real property for activities and agen-
13 cies of the Department of Defense (other than the military
14 departments), as currently authorized by law,
15 \$3,145,614,000, to remain available until September 30,
16 2015: *Provided*, That such amounts of this appropriation
17 as may be determined by the Secretary of Defense may
18 be transferred to such appropriations of the Department
19 of Defense available for military construction or family
20 housing as the Secretary may designate, to be merged with
21 and to be available for the same purposes, and for the
22 same time period, as the appropriation or fund to which
23 transferred: *Provided further*, That of the amount appro-
24 priated, not to exceed \$449,041,000 shall be available for
25 study, planning, design, and architect and engineer serv-

1 ices, as authorized by law, unless the Secretary of Defense
2 determines that additional obligations are necessary for
3 such purposes and notifies the Committees on Appropria-
4 tions of both Houses of Congress of the determination and
5 the reasons therefor: *Provided further*, That of the amount
6 appropriated, notwithstanding any other provision of law,
7 \$31,863,000 shall be available for payments to the North
8 Atlantic Treaty Organization for the planning, design, and
9 construction of a new North Atlantic Treaty Organization
10 headquarters: *Provided further*, That of the unobligated
11 balances available under the heading “Military Construc-
12 tion, Defense-Wide” in title I of division E of Public Law
13 111–117, \$125,500,000 is hereby rescinded: *Provided fur-*
14 *ther*, That of the unobligated balances available under the
15 heading “Military Construction, Defense-Wide” in title I
16 of division E of Public Law 110–329, \$23,000,000 is here-
17 by rescinded.

18 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

19 For construction, acquisition, expansion, rehabilita-
20 tion, and conversion of facilities for the training and ad-
21 ministration of the Army National Guard, and contribu-
22 tions therefor, as authorized by chapter 1803 of title 10,
23 United States Code, and Military Construction Authoriza-
24 tion Acts, \$1,125,628,000, to remain available until Sep-
25 tember 30, 2015, of which \$60,000,000 shall be for crit-

1 ical unfunded requirements: *Provided*, That of the amount
2 appropriated, not to exceed \$64,836,000 shall be available
3 for study, planning, design, and architect and engineer
4 services, as authorized by law, unless the Director of the
5 Army National Guard determines that additional obliga-
6 tions are necessary for such purposes and notifies the
7 Committees on Appropriations of both Houses of Congress
8 of the determination and the reasons therefor: *Provided*
9 *further*, That, not later than 30 days after the date of the
10 enactment of this Act, the Director of the Army National
11 Guard shall submit to the Committees on Appropriations
12 of both Houses of Congress an expenditure plan for the
13 funds provided for critical unfunded requirements.

14 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

15 For construction, acquisition, expansion, rehabilita-
16 tion, and conversion of facilities for the training and ad-
17 ministration of the Air National Guard, and contributions
18 therefor, as authorized by chapter 1803 of title 10, United
19 States Code, and Military Construction Authorization
20 Acts, \$441,549,000, to remain available until September
21 30, 2015, of which \$50,000,000 shall be for critical un-
22 funded requirements: *Provided*, That of the amount appro-
23 priated, not to exceed \$37,177,000 shall be available for
24 study, planning, design, and architect and engineer serv-
25 ices, as authorized by law, unless the Director of the Air

1 National Guard determines that additional obligations are
2 necessary for such purposes and notifies the Committees
3 on Appropriations of both Houses of Congress of the de-
4 termination and the reasons therefor: *Provided further,*
5 That, not later than 30 days after the date of the enact-
6 ment of this Act, the Director of the Air National Guard
7 shall submit to the Committees on Appropriations of both
8 Houses of Congress an expenditure plan for the funds pro-
9 vided for critical unfunded requirements.

10 MILITARY CONSTRUCTION, ARMY RESERVE

11 For construction, acquisition, expansion, rehabilita-
12 tion, and conversion of facilities for the training and ad-
13 ministration of the Army Reserve as authorized by chapter
14 1803 of title 10, United States Code, and Military Con-
15 struction Authorization Acts, \$388,064,000, to remain
16 available until September 30, 2015, of which \$30,000,000
17 shall be for critical unfunded requirements: *Provided,*
18 That of the amount appropriated, not to exceed
19 \$27,289,000 shall be available for study, planning, design,
20 and architect and engineer services, as authorized by law,
21 unless the Secretary of the Army determines that addi-
22 tional obligations are necessary for such purposes and no-
23 tifies the Committees on Appropriations of both Houses
24 of Congress of the determination and the reasons therefor:
25 *Provided further,* That, not later than 30 days after the

1 date of the enactment of this Act, the Chief of Army Re-
2 serve shall submit to the Committees on Appropriations
3 of both Houses of Congress an expenditure plan for the
4 funds provided for critical unfunded requirements.

5 MILITARY CONSTRUCTION, NAVY RESERVE

6 For construction, acquisition, expansion, rehabilita-
7 tion, and conversion of facilities for the training and ad-
8 ministration of the reserve components of the Navy and
9 Marine Corps as authorized by chapter 1803 of title 10,
10 United States Code, and Military Construction Authoriza-
11 tion Acts, \$91,557,000, to remain available until Sep-
12 tember 30, 2015, of which \$15,000,000 shall be for crit-
13 ical unfunded requirements of the Navy Reserve and
14 \$15,000,000 shall be for critical unfunded requirements
15 of the Marine Forces Reserve: *Provided*, That of the
16 amount appropriated, not to exceed \$1,857,000 shall be
17 available for study, planning, design, and architect and en-
18 gineer services, as authorized by law, unless the Secretary
19 of the Navy determines that additional obligations are nec-
20 essary for such purposes and notifies the Committees on
21 Appropriations of both Houses of Congress of the deter-
22 mination and the reasons therefor: *Provided further*, That,
23 not later than 30 days after the date of the enactment
24 of this Act, the Chief of Navy Reserve and the Com-
25 mander, Marine Forces Reserve shall submit to the Com-

1 mittees on Appropriations of both Houses of Congress an
2 expenditure plan for the funds provided for critical un-
3 funded requirements.

4 MILITARY CONSTRUCTION, AIR FORCE RESERVE

5 For construction, acquisition, expansion, rehabilita-
6 tion, and conversion of facilities for the training and ad-
7 ministration of the Air Force Reserve as authorized by
8 chapter 1803 of title 10, United States Code, and Military
9 Construction Authorization Acts, \$48,182,000, to remain
10 available until September 30, 2015, of which \$30,000,000
11 shall be for critical unfunded requirements: *Provided*,
12 That of the amount appropriated, not to exceed
13 \$2,503,000 shall be available for study, planning, design,
14 and architect and engineer services, as authorized by law,
15 unless the Secretary of the Air Force determines that ad-
16 ditional obligations are necessary for such purposes and
17 notifies the Committees on Appropriations of both Houses
18 of Congress of the determination and the reasons therefor:
19 *Provided further*, That, not later than 30 days after the
20 date of the enactment of this Act, the Chief of Air Force
21 Reserve shall submit to the Committees on Appropriations
22 of both Houses of Congress an expenditure plan for the
23 funds provided for critical unfunded requirements.

1 NORTH ATLANTIC TREATY ORGANIZATION
2 SECURITY INVESTMENT PROGRAM

3 For the United States share of the cost of the North
4 Atlantic Treaty Organization Security Investment Pro-
5 gram for the acquisition and construction of military fa-
6 cilities and installations (including international military
7 headquarters) and for related expenses for the collective
8 defense of the North Atlantic Treaty Area as authorized
9 by section 2806 of title 10, United States Code, and Mili-
10 tary Construction Authorization Acts, \$258,884,000, to
11 remain available until expended: *Provided*, That notwith-
12 standing any other provision of law, such funds may be
13 obligated and expended for purposes of section 2806 of
14 title 10, United States Code, and sections 2501 and 2502
15 of the National Defense Authorization Act for Fiscal Year
16 2010 (Public Law 111–84).

17 FAMILY HOUSING CONSTRUCTION, ARMY

18 For expenses of family housing for the Army for con-
19 struction, including acquisition, replacement, addition, ex-
20 pansion, extension, and alteration, as authorized by law,
21 \$92,369,000, to remain available until September 30,
22 2015.

1 \$78,025,000, to remain available until September 30,
2 2015.

3 FAMILY HOUSING OPERATION AND MAINTENANCE, AIR
4 FORCE

5 For expenses of family housing for the Air Force for
6 operation and maintenance, including debt payment, leas-
7 ing, minor construction, principal and interest charges,
8 and insurance premiums, as authorized by law,
9 \$513,792,000.

10 FAMILY HOUSING OPERATION AND MAINTENANCE,
11 DEFENSE-WIDE

12 For expenses of family housing for the activities and
13 agencies of the Department of Defense (other than the
14 military departments) for operation and maintenance,
15 leasing, and minor construction, as authorized by law,
16 \$50,464,000.

17 DEPARTMENT OF DEFENSE FAMILY HOUSING
18 IMPROVEMENT FUND

19 For the Department of Defense Family Housing Im-
20 provement Fund, \$1,096,000, to remain available until ex-
21 pended, for family housing initiatives undertaken pursu-
22 ant to section 2883 of title 10, United States Code, pro-
23 viding alternative means of acquiring and improving mili-
24 tary family housing and supporting facilities.

1 HOMEOWNERS ASSISTANCE FUND

2 For the Homeowners Assistance Fund established by
3 section 1013 of the Demonstration Cities and Metropoli-
4 tan Development Act of 1966, (42 U.S.C. 3374), as
5 amended by section 1001 of division A of the American
6 Recovery and Reinvestment Act of 2009 (Public Law 111-
7 5; 123 Stat. 194), \$16,515,000, to remain available until
8 expended.

9 CHEMICAL DEMILITARIZATION CONSTRUCTION,
10 DEFENSE-WIDE

11 For expenses of construction, not otherwise provided
12 for, necessary for the destruction of the United States
13 stockpile of lethal chemical agents and munitions in ac-
14 cordance with section 1412 of the Department of Defense
15 Authorization Act, 1986 (50 U.S.C. 1521), and for the
16 destruction of other chemical warfare materials that are
17 not in the chemical weapon stockpile, as currently author-
18 ized by law, \$124,971,000, to remain available until Sep-
19 tember 30, 2015, which shall be only for the Assembled
20 Chemical Weapons Alternatives program.

21 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

22 1990

23 For deposit into the Department of Defense Base
24 Closure Account 1990, established by section 2906(a)(1)
25 of the Defense Base Closure and Realignment Act of 1990

1 (10 U.S.C. 2687 note), \$450,474,000, to remain available
2 until expended.

3 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

4 2005

5 (INCLUDING RESCISSION OF FUNDS)

6 For deposit into the Department of Defense Base
7 Closure Account 2005, established by section 2906A(a)(1)
8 of the Defense Base Closure and Realignment Act of 1990
9 (10 U.S.C. 2687 note), \$2,354,285,000, to remain avail-
10 able until expended: *Provided*, That the Department of
11 Defense shall notify the Committees on Appropriations of
12 both Houses of Congress 14 days prior to obligating an
13 amount for a construction project that exceeds or reduces
14 the amount identified for that project in the most recently
15 submitted budget request for this account by 20 percent
16 or \$2,000,000, whichever is less: *Provided further*, That
17 the previous proviso shall not apply to projects costing less
18 than \$5,000,000, except for those projects not previously
19 identified in any budget submission for this account and
20 exceeding the minor construction threshold under section
21 2805 of title 10, United States Code: *Provided further*,
22 That of the unobligated balances available under this
23 heading from prior appropriations Acts, \$200,000,000 is
24 hereby rescinded: *Provided further*, That no funds may be
25 rescinded from amounts that were designated by the Con-

1 gress as an emergency requirement pursuant to a concur-
2 rent resolution on the budget or the Balanced Budget and
3 Emergency Deficit Control Act of 1985.

4 ADMINISTRATIVE PROVISIONS

5 SEC. 101. None of the funds made available in this
6 title shall be expended for payments under a cost-plus-a-
7 fixed-fee contract for construction, where cost estimates
8 exceed \$25,000, to be performed within the United States,
9 except Alaska, without the specific approval in writing of
10 the Secretary of Defense setting forth the reasons there-
11 for.

12 SEC. 102. Funds made available in this title for con-
13 struction shall be available for hire of passenger motor ve-
14 hicles.

15 SEC. 103. Funds made available in this title for con-
16 struction may be used for advances to the Federal High-
17 way Administration, Department of Transportation, for
18 the construction of access roads as authorized by section
19 210 of title 23, United States Code, when projects author-
20 ized therein are certified as important to the national de-
21 fense by the Secretary of Defense.

22 SEC. 104. None of the funds made available in this
23 title may be used to begin construction of new bases in
24 the United States for which specific appropriations have
25 not been made.

1 SEC. 105. None of the funds made available in this
2 title shall be used for purchase of land or land easements
3 in excess of 100 percent of the value as determined by
4 the Army Corps of Engineers or the Naval Facilities Engi-
5 neering Command, except: (1) where there is a determina-
6 tion of value by a Federal court; (2) purchases negotiated
7 by the Attorney General or the designee of the Attorney
8 General; (3) where the estimated value is less than
9 \$25,000; or (4) as otherwise determined by the Secretary
10 of Defense to be in the public interest.

11 SEC. 106. None of the funds made available in this
12 title shall be used to: (1) acquire land; (2) provide for site
13 preparation; or (3) install utilities for any family housing,
14 except housing for which funds have been made available
15 in annual Acts making appropriations for military con-
16 struction.

17 SEC. 107. None of the funds made available in this
18 title for minor construction may be used to transfer or
19 relocate any activity from one base or installation to an-
20 other, without prior notification to the Committees on Ap-
21 propriations of both Houses of Congress.

22 SEC. 108. None of the funds made available in this
23 title may be used for the procurement of steel for any con-
24 struction project or activity for which American steel pro-

1 ducers, fabricators, and manufacturers have been denied
2 the opportunity to compete for such steel procurement.

3 SEC. 109. None of the funds available to the Depart-
4 ment of Defense for military construction or family hous-
5 ing during the current fiscal year may be used to pay real
6 property taxes in any foreign nation.

7 SEC. 110. None of the funds made available in this
8 title may be used to initiate a new installation overseas
9 without prior notification to the Committees on Appro-
10 priations of both Houses of Congress.

11 SEC. 111. None of the funds made available in this
12 title may be obligated for architect and engineer contracts
13 estimated by the Government to exceed \$500,000 for
14 projects to be accomplished in Japan, in any North Atlan-
15 tic Treaty Organization member country, or in countries
16 bordering the Arabian Sea, unless such contracts are
17 awarded to United States firms or United States firms
18 in joint venture with host nation firms.

19 SEC. 112. None of the funds made available in this
20 title for military construction in the United States terri-
21 tories and possessions in the Pacific and on Kwajalein
22 Atoll, or in countries bordering the Arabian Sea, may be
23 used to award any contract estimated by the Government
24 to exceed \$1,000,000 to a foreign contractor: *Provided*,
25 That this section shall not be applicable to contract

1 awards for which the lowest responsive and responsible bid
2 of a United States contractor exceeds the lowest respon-
3 sive and responsible bid of a foreign contractor by greater
4 than 20 percent: *Provided further*, That this section shall
5 not apply to contract awards for military construction on
6 Kwajalein Atoll for which the lowest responsive and re-
7 sponsible bid is submitted by a Marshallese contractor.

8 SEC. 113. The Secretary of Defense is to inform the
9 appropriate committees of both Houses of Congress, in-
10 cluding the Committees on Appropriations, of the plans
11 and scope of any proposed military exercise involving
12 United States personnel 30 days prior to its occurring,
13 if amounts expended for construction, either temporary or
14 permanent, are anticipated to exceed \$100,000.

15 SEC. 114. Not more than 20 percent of the funds
16 made available in this title which are limited for obligation
17 during the current fiscal year shall be obligated during
18 the last 2 months of the fiscal year.

19 SEC. 115. Funds appropriated to the Department of
20 Defense for construction in prior years shall be available
21 for construction authorized for each such military depart-
22 ment by the authorizations enacted into law during the
23 current session of Congress.

24 SEC. 116. For military construction or family housing
25 projects that are being completed with funds otherwise ex-

1 pired or lapsed for obligation, expired or lapsed funds may
2 be used to pay the cost of associated supervision, inspec-
3 tion, overhead, engineering and design on those projects
4 and on subsequent claims, if any.

5 SEC. 117. Notwithstanding any other provision of
6 law, any funds made available to a military department
7 or defense agency for the construction of military projects
8 may be obligated for a military construction project or
9 contract, or for any portion of such a project or contract,
10 at any time before the end of the fourth fiscal year after
11 the fiscal year for which funds for such project were made
12 available, if the funds obligated for such project: (1) are
13 obligated from funds available for military construction
14 projects; and (2) do not exceed the amount appropriated
15 for such project, plus any amount by which the cost of
16 such project is increased pursuant to law.

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 118. In addition to any other transfer authority
19 available to the Department of Defense, proceeds depos-
20 ited to the Department of Defense Base Closure Account
21 established by section 207(a)(1) of the Defense Authoriza-
22 tion Amendments and Base Closure and Realignment Act
23 (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C)
24 of such Act, may be transferred to the account established
25 by section 2906(a)(1) of the Defense Base Closure and

1 Realignment Act of 1990 (10 U.S.C. 2687 note), to be
2 merged with, and to be available for the same purposes
3 and the same time period as that account.

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 119. Subject to 30 days prior notification, or
6 14 days for a notification provided in an electronic me-
7 dium pursuant to sections 480 and 2883, of title 10,
8 United States Code, to the Committees on Appropriations
9 of both Houses of Congress, such additional amounts as
10 may be determined by the Secretary of Defense may be
11 transferred to: (1) the Department of Defense Family
12 Housing Improvement Fund from amounts appropriated
13 for construction in “Family Housing” accounts, to be
14 merged with and to be available for the same purposes
15 and for the same period of time as amounts appropriated
16 directly to the Fund; or (2) the Department of Defense
17 Military Unaccompanied Housing Improvement Fund
18 from amounts appropriated for construction of military
19 unaccompanied housing in “Military Construction” ac-
20 counts, to be merged with and to be available for the same
21 purposes and for the same period of time as amounts ap-
22 propriated directly to the Fund: *Provided*, That appropria-
23 tions made available to the Funds shall be available to
24 cover the costs, as defined in section 502(5) of the Con-
25 gressional Budget Act of 1974, of direct loans or loan

1 guarantees issued by the Department of Defense pursuant
2 to the provisions of subchapter IV of chapter 169 of title
3 10, United States Code, pertaining to alternative means
4 of acquiring and improving military family housing, mili-
5 tary unaccompanied housing, and supporting facilities.

6 SEC. 120. (a) Not later than 60 days before issuing
7 any solicitation for a contract with the private sector for
8 military family housing the Secretary of the military de-
9 partment concerned shall submit to the Committees on
10 Appropriations of both Houses of Congress the notice de-
11 scribed in subsection (b).

12 (b)(1) A notice referred to in subsection (a) is a no-
13 tice of any guarantee (including the making of mortgage
14 or rental payments) proposed to be made by the Secretary
15 to the private party under the contract involved in the
16 event of—

17 (A) the closure or realignment of the installa-
18 tion for which housing is provided under the con-
19 tract;

20 (B) a reduction in force of units stationed at
21 such installation; or

22 (C) the extended deployment overseas of units
23 stationed at such installation.

24 (2) Each notice under this subsection shall specify
25 the nature of the guarantee involved and assess the extent

1 and likelihood, if any, of the liability of the Federal Gov-
2 ernment with respect to the guarantee.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 121. In addition to any other transfer authority
5 available to the Department of Defense, amounts may be
6 transferred from the accounts established by sections
7 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure
8 and Realignment Act of 1990 (10 U.S.C. 2687 note), to
9 the fund established by section 1013(d) of the Demonstra-
10 tion Cities and Metropolitan Development Act of 1966 (42
11 U.S.C. 3374) to pay for expenses associated with the
12 Homeowners Assistance Program incurred under 42
13 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be
14 merged with and be available for the same purposes and
15 for the same time period as the fund to which transferred.

16 SEC. 122. Notwithstanding any other provision of
17 law, funds made available in this title for operation and
18 maintenance of family housing shall be the exclusive
19 source of funds for repair and maintenance of all family
20 housing units, including general or flag officer quarters:
21 *Provided*, That not more than \$35,000 per unit may be
22 spent annually for the maintenance and repair of any gen-
23 eral or flag officer quarters without 30 days prior notifica-
24 tion, or 14 days for a notification provided in an electronic
25 medium pursuant to sections 480 and 2883 of title 10,

1 United States Code, to the Committees on Appropriations
2 of both Houses of Congress, except that an after-the-fact
3 notification shall be submitted if the limitation is exceeded
4 solely due to costs associated with environmental remedi-
5 ation that could not be reasonably anticipated at the time
6 of the budget submission: *Provided further*, That the
7 Under Secretary of Defense (Comptroller) is to report an-
8 nually to the Committees on Appropriations of both
9 Houses of Congress all operation and maintenance ex-
10 penditures for each individual general or flag officer quar-
11 ters for the prior fiscal year.

12 SEC. 123. Amounts contained in the Ford Island Im-
13 provement Account established by subsection (h) of sec-
14 tion 2814 of title 10, United States Code, are appro-
15 priated and shall be available until expended for the pur-
16 poses specified in subsection (i)(1) of such section or until
17 transferred pursuant to subsection (i)(3) of such section.

18 SEC. 124. None of the funds made available in this
19 title, or in any Act making appropriations for military con-
20 struction which remain available for obligation, may be ob-
21 ligated or expended to carry out a military construction,
22 land acquisition, or family housing project at or for a mili-
23 tary installation approved for closure, or at a military in-
24 stallation for the purposes of supporting a function that
25 has been approved for realignment to another installation,

1 in 2005 under the Defense Base Closure and Realignment
2 Act of 1990 (part A of title XXIX of Public Law 101–
3 510; 10 U.S.C. 2687 note), unless such a project at a mili-
4 tary installation approved for realignment will support a
5 continuing mission or function at that installation or a
6 new mission or function that is planned for that installa-
7 tion, or unless the Secretary of Defense certifies that the
8 cost to the United States of carrying out such project
9 would be less than the cost to the United States of cancel-
10 ling such project, or if the project is at an active compo-
11 nent base that shall be established as an enclave or in the
12 case of projects having multi-agency use, that another
13 Government agency has indicated it will assume ownership
14 of the completed project. The Secretary of Defense may
15 not transfer funds made available as a result of this limi-
16 tation from any military construction project, land acquisi-
17 tion, or family housing project to another account or use
18 such funds for another purpose or project without the
19 prior approval of the Committees on Appropriations of
20 both Houses of Congress. This section shall not apply to
21 military construction projects, land acquisition, or family
22 housing projects for which the project is vital to the na-
23 tional security or the protection of health, safety, or envi-
24 ronmental quality: *Provided*, That the Secretary of De-
25 fense shall notify the congressional defense committees

1 within seven days of a decision to carry out such a military
2 construction project.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 125. During the 5-year period after appropria-
5 tions available in this Act to the Department of Defense
6 for military construction and family housing operation and
7 maintenance and construction have expired for obligation,
8 upon a determination that such appropriations will not be
9 necessary for the liquidation of obligations or for making
10 authorized adjustments to such appropriations for obliga-
11 tions incurred during the period of availability of such ap-
12 propriations, unobligated balances of such appropriations
13 may be transferred into the appropriation “Foreign Cur-
14 rency Fluctuations, Construction, Defense”, to be merged
15 with and to be available for the same time period and for
16 the same purposes as the appropriation to which trans-
17 ferred.

18 SEC. 126. None of the funds appropriated or other-
19 wise made available in this title may be used for any action
20 that is related to or promotes the expansion of the bound-
21 aries or size of the Pinon Canyon Maneuver Site, Colo-
22 rado.

23 SEC. 127. Notwithstanding Department of Defense
24 Instruction 1330.17, nonappropriated funds provided
25 through the Commissary Surcharge Fund may be used in

1 accordance with the authority provided in 10 U.S.C.
2 2484(h) to construct a commissary at U.S. Southern Com-
3 mand Headquarters in Miami-Dade County, Florida.

4 SEC. 128. Amounts appropriated or otherwise made
5 available in an account funded under the headings in this
6 title may be transferred among projects and activities
7 within the account in accordance with the reprogramming
8 guidelines for military construction and family housing
9 construction contained in the explanatory statement de-
10 scribed in section 4 (in the matter preceding division A
11 of this consolidated Act) and in the guidance for military
12 construction reprogrammings and notifications contained
13 in Department of Defense Financial Management Regula-
14 tion 7000.14–R, Volume 3, Chapter 7, of February 2009,
15 as in effect on the date of enactment of this Act.

16 SEC. 129. Amounts appropriated or otherwise made
17 available in this title for “Military Construction, Army”,
18 “Military Construction, Navy and Marine Corps”, “Mili-
19 tary Construction, Air Force”, “Military Construction,
20 Defense-Wide”, “Military Construction, Army National
21 Guard”, “Military Construction, Air National Guard”,
22 “Military Construction, Army Reserve”, “Military Con-
23 struction, Navy Reserve”, “Military Construction, Air
24 Force Reserve”, “Family Housing Construction, Army”,
25 “Family Housing Construction, Navy and Marine Corps”,

1 “Family Housing Construction, Air Force”, and “Chem-
2 ical Demilitarization Construction, Defense-Wide” shall be
3 for the projects and activities, and in the amounts speci-
4 fied, identified under those headings in the Committee rec-
5 ommendations, and under the headings for “Army”,
6 “Navy”, “Air Force”, “Defense-Wide”, “Army National
7 Guard”, “Air National Guard”, “Army Reserve”, “Navy
8 Reserve”, “Air Force Reserve”, “Family Housing Con-
9 struction, Army”, “Family Housing Construction, Navy
10 and Marine Corps”, “Family Housing Construction, Air
11 Force”, and “Chemical Demilitarization Construction, De-
12 fense-Wide” in the table entitled “Military Construction”
13 in the explanatory statement described in section 4 (in the
14 matter preceding division A of this consolidated Act).

15 SEC. 130. Notwithstanding any other provision of
16 law, the Department of Defense is authorized to carry out
17 planning, design, and construction not otherwise author-
18 ized by law for an Aegis Ashore Test Facility at the Pa-
19 cific Missile Range Facility, Hawaii, in an amount not to
20 exceed \$68,500,000 using funds appropriated or otherwise
21 made available by title I of division E of Public Law 111–
22 117 under the heading “Military Construction, Defense-
23 Wide”.

24 SEC. 131. None of the funds made available by this
25 Act may be used to take beneficial occupancy of more than

1 1,000 parking spaces provided by the combination spaces
2 provided by the proposed office complex to be developed
3 at an established mixed-use business park in Alexandria,
4 Virginia, to implement recommendation 133 of the De-
5 fense Base Closure and Realignment Commission con-
6 tained in the report of the Commission transmitted to
7 Congress on September 15, 2005, and the lease of spaces
8 in the immediate vicinity of such office complex until both
9 of the following occur:

10 (1) The Secretary submits to the congressional
11 defense committees a viable transportation plan, as
12 directed in House Report 111–559, for the proposed
13 office complex.

14 (2) The Secretary certifies to the congressional
15 defense committees that construction has been com-
16 pleted to provide adequate ingress to and egress
17 from the business park at which the proposed office
18 complex is located.

19 SEC. 132. Notwithstanding any other provision of
20 law, funds appropriated or otherwise made available by
21 this title may be obligated and expended to carry out plan-
22 ning and design and military construction projects not
23 otherwise authorized by law.

1 TITLE II
2 DEPARTMENT OF VETERANS AFFAIRS
3 VETERANS BENEFITS ADMINISTRATION
4 COMPENSATION AND PENSIONS
5 (INCLUDING TRANSFER OF FUNDS)

6 For the payment of compensation benefits to or on
7 behalf of veterans and a pilot program for disability ex-
8 aminations as authorized by section 107 and chapters 11,
9 13, 18, 51, 53, 55, and 61 of title 38, United States Code;
10 pension benefits to or on behalf of veterans as authorized
11 by chapters 15, 51, 53, 55, and 61 of title 38, United
12 States Code; and burial benefits, the Reinstated Entitle-
13 ment Program for Survivors, emergency and other offi-
14 cers' retirement pay, adjusted-service credits and certifi-
15 cates, payment of premiums due on commercial life insur-
16 ance policies guaranteed under the provisions of title IV
17 of the Servicemembers Civil Relief Act (50 U.S.C. App.
18 541 et seq.) and for other benefits as authorized by sec-
19 tions 107, 1312, 1977, and 2106, and chapters 23, 51,
20 53, 55, and 61 of title 38, United States Code,
21 \$53,978,000,000, to remain available until expended: *Pro-*
22 *vided*, That not to exceed \$30,423,000 of the amount ap-
23 propriated under this heading shall be reimbursed to
24 "General operating expenses, Veterans Benefits Adminis-
25 tration", "Medical support and compliance", and "Infor-

1 mation technology systems” for necessary expenses in im-
2 plementing the provisions of chapters 51, 53, and 55 of
3 title 38, United States Code, the funding source for which
4 is specifically provided as the “Compensation and pen-
5 sions” appropriation: *Provided further*, That such sums as
6 may be earned on an actual qualifying patient basis, shall
7 be reimbursed to “Medical care collections fund” to aug-
8 ment the funding of individual medical facilities for nurs-
9 ing home care provided to pensioners as authorized.

10 READJUSTMENT BENEFITS

11 For the payment of readjustment and rehabilitation
12 benefits to or on behalf of veterans as authorized by chap-
13 ters 21, 30, 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61
14 of title 38, United States Code, \$10,396,106,000, to re-
15 main available until expended: *Provided*, That expenses for
16 rehabilitation program services and assistance which the
17 Secretary is authorized to provide under subsection (a) of
18 section 3104 of title 38, United States Code, other than
19 under paragraphs (1), (2), (5), and (11) of that sub-
20 section, shall be charged to this account.

21 VETERANS INSURANCE AND INDEMNITIES

22 For military and naval insurance, national service life
23 insurance, servicemen’s indemnities, service-disabled vet-
24 erans insurance, and veterans mortgage life insurance as

1 authorized by title 38, United States Code, chapters 19
2 and 21, \$77,589,000, to remain available until expended.

3 VETERANS HOUSING BENEFIT PROGRAM FUND

4 For the cost of direct and guaranteed loans, such
5 sums as may be necessary to carry out the program, as
6 authorized by subchapters I through III of chapter 37 of
7 title 38, United States Code: *Provided*, That such costs,
8 including the cost of modifying such loans, shall be as de-
9 fined in section 502 of the Congressional Budget Act of
10 1974: *Provided further*, That during fiscal year 2011,
11 within the resources available, not to exceed \$500,000 in
12 gross obligations for direct loans are authorized for spe-
13 cially adapted housing loans.

14 In addition, for administrative expenses to carry out
15 the direct and guaranteed loan programs, \$163,646,000.

16 VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

17 For the cost of direct loans, \$48,000, as authorized
18 by chapter 31 of title 38, United States Code: *Provided*,
19 That such costs, including the cost of modifying such
20 loans, shall be as defined in section 502 of the Congres-
21 sional Budget Act of 1974: *Provided further*, That funds
22 made available under this heading are available to sub-
23 sidize gross obligations for the principal amount of direct
24 loans not to exceed \$3,042,000.

1 163; \$39,649,985,000, plus reimbursements, shall become
2 available on October 1, 2011, and shall remain available
3 until September 30, 2012: *Provided*, That notwithstanding
4 any other provision of law, the Secretary of Veterans Af-
5 fairs shall establish a priority for the provision of medical
6 treatment for veterans who have service-connected disabil-
7 ities, lower income, or have special needs: *Provided further*,
8 That, notwithstanding any other provision of law, the Sec-
9 retary of Veterans Affairs shall give priority funding for
10 the provision of basic medical benefits to veterans in en-
11 rollment priority groups 1 through 6: *Provided further*,
12 That, notwithstanding any other provision of law, the Sec-
13 retary of Veterans Affairs may authorize the dispensing
14 of prescription drugs from Veterans Health Administra-
15 tion facilities to enrolled veterans with privately written
16 prescriptions based on requirements established by the
17 Secretary: *Provided further*, That the implementation of
18 the program described in the previous proviso shall incur
19 no additional cost to the Department of Veterans Affairs.

20 MEDICAL SUPPORT AND COMPLIANCE

21 For necessary expenses in the administration of the
22 medical, hospital, nursing home, domiciliary, construction,
23 supply, and research activities, as authorized by law; ad-
24 ministrative expenses in support of capital policy activi-
25 ties; and administrative and legal expenses of the Depart-

1 ment for collecting and recovering amounts owed the De-
2 partment as authorized under chapter 17 of title 38,
3 United States Code, and the Federal Medical Care Recov-
4 ery Act (42 U.S.C. 2651 et seq.); \$5,535,000,000, plus
5 reimbursements, shall become available on October 1,
6 2011, and shall remain available until September 30,
7 2012.

8 MEDICAL FACILITIES

9 For necessary expenses for the maintenance and op-
10 eration of hospitals, nursing homes, and domiciliary facili-
11 ties and other necessary facilities of the Veterans Health
12 Administration; for administrative expenses in support of
13 planning, design, project management, real property ac-
14 quisition and disposition, construction, and renovation of
15 any facility under the jurisdiction or for the use of the
16 Department; for oversight, engineering, and architectural
17 activities not charged to project costs; for repairing, alter-
18 ing, improving, or providing facilities in the several hos-
19 pitals and homes under the jurisdiction of the Depart-
20 ment, not otherwise provided for, either by contract or by
21 the hire of temporary employees and purchase of mate-
22 rials; for leases of facilities; and for laundry services,
23 \$5,426,000,000, plus reimbursements, shall become avail-
24 able on October 1, 2011, and shall remain available until
25 September 30, 2012: *Provided*, That of the amount avail-

1 able for fiscal year 2012, \$130,000,000 for non-recurring
2 maintenance shall be allocated in a manner not subject
3 to the Veterans Equitable Resource Allocation.

4 MEDICAL AND PROSTHETIC RESEARCH

5 For necessary expenses in carrying out programs of
6 medical and prosthetic research and development as au-
7 thorized by chapter 73 of title 38, United States Code,
8 \$590,000,000, plus reimbursements, shall remain avail-
9 able until September 30, 2012.

10 NATIONAL CEMETERY ADMINISTRATION

11 For necessary expenses of the National Cemetery Ad-
12 ministration for operations and maintenance, not other-
13 wise provided for, including uniforms or allowances there-
14 for; cemeterial expenses as authorized by law; purchase
15 of one passenger motor vehicle for use in cemeterial oper-
16 ations; hire of passenger motor vehicles; and repair, alter-
17 ation or improvement of facilities under the jurisdiction
18 of the National Cemetery Administration, \$259,004,000,
19 of which not to exceed \$24,200,000 shall remain available
20 until September 30, 2012.

21 DEPARTMENTAL ADMINISTRATION

22 GENERAL ADMINISTRATION

23 (INCLUDING TRANSFER OF FUNDS)

24 For necessary operating expenses of the Department
25 of Veterans Affairs, not otherwise provided for, including

1 administrative expenses in support of Department-Wide
2 capital planning, management and policy activities, uni-
3 forms, or allowances therefor; not to exceed \$25,000 for
4 official reception and representation expenses; hire of pas-
5 senger motor vehicles; and reimbursement of the General
6 Services Administration for security guard services,
7 \$466,497,000, of which not to exceed \$22,000,000 shall
8 remain available until September 30, 2012: *Provided*,
9 That \$23,584,000 shall be to increase the Department's
10 acquisition workforce capacity and capabilities and may
11 be transferred by the Secretary to any other account in
12 the Department to carry out the purposes provided there-
13 in: *Provided further*, That funds provided under this head-
14 ing may be transferred to "General operating expenses,
15 Veterans Benefits Administration".

16 GENERAL OPERATING EXPENSES, VETERANS BENEFITS
17 ADMINISTRATION

18 For necessary operating expenses of the Veterans
19 Benefits Administration, not otherwise provided for, in-
20 cluding hire of passenger motor vehicles, and reimburse-
21 ment of the Department of Defense for the cost of over-
22 seas employee mail, \$2,162,776,000: *Provided*, That ex-
23 penses for services and assistance authorized under para-
24 graphs (1), (2), (5), and (11) of section 3104(a) of title
25 38, United States Code, that the Secretary of Veterans

1 Affairs determines are necessary to enable entitled vet-
2 erans: (1) to the maximum extent feasible, to become em-
3 ployable and to obtain and maintain suitable employment;
4 or (2) to achieve maximum independence in daily living,
5 shall be charged to this account: *Provided further*, That
6 of the funds made available under this heading, not to ex-
7 ceed \$108,000,000 shall remain available until September
8 20, 2012: *Provided further*, That from the funds made
9 available under this heading, the Veterans Benefits Ad-
10 ministration may purchase (on a one-for-one replacement
11 basis only) up to two passenger motor vehicles for use in
12 operations of that Administration in Manila, Philippines.

13 INFORMATION TECHNOLOGY SYSTEMS

14 For necessary expenses for information technology
15 systems and telecommunications support, including devel-
16 opmental information systems and operational information
17 systems; for pay and associated costs; and for the capital
18 asset acquisition of information technology systems, in-
19 cluding management and related contractual costs of said
20 acquisitions, including contractual costs associated with
21 operations authorized by section 3109 of title 5, United
22 States Code, \$3,162,501,000, plus reimbursements, shall
23 remain available until September 30, 2012: *Provided*,
24 That none of the funds made available under this heading
25 may be obligated until the Department of Veterans Affairs

1 submits to the Committees on Appropriations of both
2 Houses of Congress, and such Committees approve, a plan
3 for expenditure that: (1) meets the capital planning and
4 investment control review requirements established by the
5 Office of Management and Budget; (2) complies with the
6 Department of Veterans Affairs enterprise architecture;
7 (3) conforms with an established enterprise life cycle
8 methodology; and (4) complies with the acquisition rules,
9 requirements, guidelines, and systems acquisition manage-
10 ment practices of the Federal Government: *Provided fur-*
11 *ther*, That not later than 30 days after the date of the
12 enactment of this Act, the Secretary of Veterans Affairs
13 shall submit to the Committees on Appropriations of both
14 Houses of Congress a reprogramming base letter which
15 sets forth, by project, the operations and maintenance
16 costs, with salary expenses separately designated, and de-
17 velopment costs to be carried out utilizing amounts made
18 available under this heading: *Provided further*, That of the
19 amounts made available under this heading, \$742,816,000
20 may not be obligated or expended until the Secretary of
21 Veterans Affairs or the Chief Information Officer of the
22 Department of Veterans Affairs submits to the Commit-
23 tees on Appropriations of both Houses of Congress a cer-
24 tification of the amounts, in parts or in full, to be obli-
25 gated and expended for each development project.

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General, to include information technology, in carrying out
4 the provisions of the Inspector General Act of 1978 (5
5 U.S.C. App.), \$115,367,000, of which \$6,000,000 shall re-
6 main available until September 30, 2012.

7 CONSTRUCTION, MAJOR PROJECTS

8 For constructing, altering, extending, and improving
9 any of the facilities, including parking projects, under the
10 jurisdiction or for the use of the Department of Veterans
11 Affairs, or for any of the purposes set forth in sections
12 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110,
13 and 8122 of title 38, United States Code, including plan-
14 ning, architectural and engineering services, construction
15 management services, maintenance or guarantee period
16 services costs associated with equipment guarantees pro-
17 vided under the project, services of claims analysts, offsite
18 utility and storm drainage system construction costs, and
19 site acquisition, where the estimated cost of a project is
20 more than the amount set forth in section 8104(a)(3)(A)
21 of title 38, United States Code, or where funds for a
22 project were made available in a previous major project
23 appropriation, \$1,151,036,000, to remain available until
24 expended, of which \$6,000,000 shall be to make reim-
25 bursements as provided in section 13 of the Contract Dis-

1 putes Act of 1978 (41 U.S.C. 612) for claims paid for
2 contract disputes: *Provided*, That except for advance plan-
3 ning activities, including needs assessments which may or
4 may not lead to capital investments, and other capital
5 asset management related activities, including portfolio
6 development and management activities, and investment
7 strategy studies funded through the advance planning
8 fund and the planning and design activities funded
9 through the design fund, including needs assessments
10 which may or may not lead to capital investments, and
11 salaries and associated costs of the resident engineers who
12 oversee those capital investments funded through this ac-
13 count, and funds provided for the purchase of land for
14 the National Cemetery Administration through the land
15 acquisition line item, none of the funds made available
16 under this heading shall be used for any project which has
17 not been approved by the Congress in the budgetary pro-
18 cess: *Provided further*, That funds made available under
19 this heading for fiscal year 2011, for each approved
20 project shall be obligated: (1) by the awarding of a con-
21 struction documents contract by September 30, 2011; and
22 (2) by the awarding of a construction contract by Sep-
23 tember 30, 2012: *Provided further*, That the Secretary of
24 Veterans Affairs shall promptly submit to the Committees
25 on Appropriations of both Houses of Congress a written

1 report on any approved major construction project for
2 which obligations are not incurred within the time limita-
3 tions established above: *Provided further*, That of the
4 funds made available under this heading, \$940,932,000
5 shall be for the projects and activities, and in the amounts,
6 specified under this heading in the explanatory statement
7 described in section 4 (in the matter preceding division
8 A of this consolidated Act).

9 CONSTRUCTION, MINOR PROJECTS

10 For constructing, altering, extending, and improving
11 any of the facilities, including parking projects, under the
12 jurisdiction or for the use of the Department of Veterans
13 Affairs, including planning and assessments of needs
14 which may lead to capital investments, architectural and
15 engineering services, maintenance or guarantee period
16 services costs associated with equipment guarantees pro-
17 vided under the project, services of claims analysts, offsite
18 utility and storm drainage system construction costs, and
19 site acquisition, or for any of the purposes set forth in
20 sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109,
21 8110, 8122, and 8162 of title 38, United States Code,
22 where the estimated cost of a project is equal to or less
23 than the amount set forth in section 8104(a)(3)(A) of title
24 38, United States Code, \$517,700,000, to remain avail-
25 able until expended, along with unobligated balances of

1 previous “Construction, minor projects” appropriations
2 which are hereby made available for any project where the
3 estimated cost is equal to or less than the amount set forth
4 in such section: *Provided*, That funds made available
5 under this heading shall be for: (1) repairs to any of the
6 nonmedical facilities under the jurisdiction or for the use
7 of the Department which are necessary because of loss or
8 damage caused by any natural disaster or catastrophe;
9 and (2) temporary measures necessary to prevent or to
10 minimize further loss by such causes.

11 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE
12 FACILITIES

13 For grants to assist States to acquire or construct
14 State nursing home and domiciliary facilities and to re-
15 model, modify, or alter existing hospital, nursing home,
16 and domiciliary facilities in State homes, for furnishing
17 care to veterans as authorized by sections 8131 through
18 8137 of title 38, United States Code, \$85,000,000, to re-
19 main available until expended.

20 GRANTS FOR CONSTRUCTION OF STATE VETERANS
21 CEMETERIES

22 For grants to assist States in establishing, expand-
23 ing, or improving State veterans cemeteries as authorized
24 by section 2408 of title 38, United States Code,
25 \$46,000,000, to remain available until expended.

1 ADMINISTRATIVE PROVISIONS

2 (INCLUDING TRANSFER OF FUNDS)

3 SEC. 201. Any appropriation for fiscal year 2011 for
4 “Compensation and pensions”, “Readjustment benefits”,
5 and “Veterans insurance and indemnities” may be trans-
6 ferred as necessary to any other of the mentioned appro-
7 priations: *Provided*, That before a transfer may take place,
8 the Secretary of Veterans Affairs shall request from the
9 Committees on Appropriations of both Houses of Congress
10 the authority to make the transfer and such Committees
11 issue an approval, or absent a response, a period of 30
12 days has elapsed.

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 202. Amounts made available for the Depart-
15 ment of Veterans Affairs for fiscal year 2011, in this Act
16 or any other Act, under the “Medical services”, “Medical
17 support and compliance”, and “Medical facilities” ac-
18 counts may be transferred among the accounts: *Provided*,
19 That any transfers between the “Medical services” and
20 “Medical support and compliance” accounts of 1 percent
21 or less of the total amount appropriated to the account
22 in this or any other Act may take place subject to notifica-
23 tion from the Secretary of Veterans Affairs to the Com-
24 mittees on Appropriations of both Houses of Congress of
25 the amount and purpose of the transfer: *Provided further*,

1 That any transfers between the “Medical services” and
2 “Medical support and compliance” accounts in excess of
3 1 percent, or exceeding the cumulative 1 percent for the
4 fiscal year, may take place only after the Secretary re-
5 quests from the Committees on Appropriations of both
6 Houses of Congress the authority to make the transfer
7 and an approval is issued: *Provided further*, That any
8 transfers to or from the “Medical facilities” account may
9 take place only after the Secretary requests from the Com-
10 mittees on Appropriations of both Houses of Congress the
11 authority to make the transfer and an approval is issued.

12 SEC. 203. Appropriations available in this title for
13 salaries and expenses shall be available for services au-
14 thorized by section 3109 of title 5, United States Code,
15 hire of passenger motor vehicles; lease of a facility or land
16 or both; and uniforms or allowances therefore, as author-
17 ized by sections 5901 through 5902 of title 5, United
18 States Code.

19 SEC. 204. No appropriations in this title (except the
20 appropriations for “Construction, major projects”, and
21 “Construction, minor projects”) shall be available for the
22 purchase of any site for or toward the construction of any
23 new hospital or home.

24 SEC. 205. No appropriations in this title shall be
25 available for hospitalization or examination of any persons

1 (except beneficiaries entitled to such hospitalization or ex-
2 amination under the laws providing such benefits to vet-
3 erans, and persons receiving such treatment under sec-
4 tions 7901 through 7904 of title 5, United States Code,
5 or the Robert T. Stafford Disaster Relief and Emergency
6 Assistance Act (42 U.S.C. 5121 et seq.)), unless reim-
7 bursement of the cost of such hospitalization or examina-
8 tion is made to the “Medical services” account at such
9 rates as may be fixed by the Secretary of Veterans Affairs.

10 SEC. 206. Appropriations available in this title for
11 “Compensation and pensions”, “Readjustment benefits”,
12 and “Veterans insurance and indemnities” shall be avail-
13 able for payment of prior year accrued obligations re-
14 quired to be recorded by law against the corresponding
15 prior year accounts within the last quarter of fiscal year
16 2010.

17 SEC. 207. Appropriations available in this title shall
18 be available to pay prior year obligations of corresponding
19 prior year appropriations accounts resulting from sections
20 3328(a), 3334, and 3712(a) of title 31, United States
21 Code, except that if such obligations are from trust fund
22 accounts they shall be payable only from “Compensation
23 and pensions”.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 208. Notwithstanding any other provision of
3 law, during fiscal year 2011, the Secretary of Veterans
4 Affairs shall, from the National Service Life Insurance
5 Fund under section 1920 of title 38, United States Code,
6 the Veterans' Special Life Insurance Fund under section
7 1923 of title 38, United States Code, and the United
8 States Government Life Insurance Fund under section
9 1955 of title 38, United States Code, reimburse the "Gen-
10 eral operating expenses, Veterans Benefits Administra-
11 tion" and "Information technology systems" accounts for
12 the cost of administration of the insurance programs fi-
13 nanced through those accounts: *Provided*, That reimburse-
14 ment shall be made only from the surplus earnings accu-
15 mulated in such an insurance program during fiscal year
16 2011 that are available for dividends in that program after
17 claims have been paid and actuarially determined reserves
18 have been set aside: *Provided further*, That if the cost of
19 administration of such an insurance program exceeds the
20 amount of surplus earnings accumulated in that program,
21 reimbursement shall be made only to the extent of such
22 surplus earnings: *Provided further*, That the Secretary
23 shall determine the cost of administration for fiscal year
24 2011 which is properly allocable to the provision of each
25 such insurance program and to the provision of any total

1 disability income insurance included in that insurance pro-
2 gram.

3 SEC. 209. Amounts deducted from enhanced-use
4 lease proceeds to reimburse an account for expenses in-
5 curred by that account during a prior fiscal year for pro-
6 viding enhanced-use lease services, may be obligated dur-
7 ing the fiscal year in which the proceeds are received.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 210. Funds available in this title or funds for
10 salaries and other administrative expenses shall also be
11 available to reimburse the Office of Resolution Manage-
12 ment of the Department of Veterans Affairs and the Of-
13 fice of Employment Discrimination Complaint Adjudica-
14 tion under section 319 of title 38, United States Code,
15 for all services provided at rates which will recover actual
16 costs but not exceed \$38,783,000 for the Office of Resolu-
17 tion Management and \$3,354,000 for the Office of Em-
18 ployment Discrimination Complaint Adjudication: *Pro-*
19 *vided*, That payments may be made in advance for services
20 to be furnished based on estimated costs: *Provided further*,
21 That amounts received shall be credited to the “General
22 administration” and “Information technology systems”
23 accounts for use by the office that provided the service.

24 SEC. 211. No appropriations in this title shall be
25 available to enter into any new lease of real property if

1 the estimated annual rental cost is more than \$1,000,000,
2 unless the Secretary submits a report which the Commit-
3 tees on Appropriations of both Houses of Congress ap-
4 prove within 30 days following the date on which the re-
5 port is received.

6 SEC. 212. No funds of the Department of Veterans
7 Affairs shall be available for hospital care, nursing home
8 care, or medical services provided to any person under
9 chapter 17 of title 38, United States Code, for a non-serv-
10 ice-connected disability described in section 1729(a)(2) of
11 such title, unless that person has disclosed to the Sec-
12 retary of Veterans Affairs, in such form as the Secretary
13 may require, current, accurate third-party reimbursement
14 information for purposes of section 1729 of such title: *Pro-*
15 *vided*, That the Secretary may recover, in the same man-
16 ner as any other debt due the United States, the reason-
17 able charges for such care or services from any person who
18 does not make such disclosure as required: *Provided fur-*
19 *ther*, That any amounts so recovered for care or services
20 provided in a prior fiscal year may be obligated by the
21 Secretary during the fiscal year in which amounts are re-
22 ceived.

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 213. Notwithstanding any other provision of
25 law, proceeds or revenues derived from enhanced-use leas-

1 ing activities (including disposal) may be deposited into
2 the “Construction, major projects” and “Construction,
3 minor projects” accounts and be used for construction (in-
4 cluding site acquisition and disposition), alterations, and
5 improvements of any medical facility under the jurisdic-
6 tion or for the use of the Department of Veterans Affairs.
7 Such sums as realized are in addition to the amount pro-
8 vided for in “Construction, major projects” and “Con-
9 struction, minor projects”.

10 SEC. 214. Amounts made available under “Medical
11 services” are available—

12 (1) for furnishing recreational facilities, sup-
13 plies, and equipment; and

14 (2) for funeral expenses, burial expenses, and
15 other expenses incidental to funerals and burials for
16 beneficiaries receiving care in the Department.

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 215. Such sums as may be deposited to the
19 Medical Care Collections Fund pursuant to section 1729A
20 of title 38, United States Code, may be transferred to
21 “Medical services”, to remain available until expended for
22 the purposes of that account.

23 SEC. 216. The Secretary of Veterans Affairs may
24 enter into agreements with Indian tribes and tribal organi-
25 zations which are party to the Alaska Native Health Com-

1 pact with the Indian Health Service, and Indian tribes and
2 tribal organizations serving rural Alaska which have en-
3 tered into contracts with the Indian Health Service under
4 the Indian Self Determination and Educational Assistance
5 Act, to provide healthcare, including behavioral health and
6 dental care. The Secretary shall require participating vet-
7 erans and facilities to comply with all appropriate rules
8 and regulations, as established by the Secretary. The term
9 “rural Alaska” shall mean those lands sited within the ex-
10 ternal boundaries of the Alaska Native regions specified
11 in sections 7(a)(1)–(4) and (7)–(12) of the Alaska Native
12 Claims Settlement Act, as amended (43 U.S.C. 1606), and
13 those lands within the Alaska Native regions specified in
14 sections 7(a)(5) and 7(a)(6) of the Alaska Native Claims
15 Settlement Act, as amended (43 U.S.C. 1606), which are
16 not within the boundaries of the Municipality of Anchor-
17 age, the Fairbanks North Star Borough, the Kenai Penin-
18 sula Borough or the Matanuska Susitna Borough.

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 217. Such sums as may be deposited to the De-
21 partment of Veterans Affairs Capital Asset Fund pursu-
22 ant to section 8118 of title 38, United States Code, may
23 be transferred to the “Construction, major projects” and
24 “Construction, minor projects” accounts, to remain avail-
25 able until expended for the purposes of these accounts.

1 creased or decreased by more than \$1,000,000 of cost
2 prior to submitting a request to the Committees on Appro-
3 priations of both Houses of Congress to make the transfer
4 and an approval is issued, or absent a response, a period
5 of 30 days has elapsed.

6 SEC. 222. (a) Upon a determination by the Secretary
7 of Veterans Affairs that such action is in the national in-
8 terest, and will have a direct benefit for veterans through
9 increased access to treatment, the Secretary of Veterans
10 Affairs may transfer not more than \$5,000,000 to the Sec-
11 retary of Health and Human Services for the Graduate
12 Psychology Education Program, which includes treatment
13 of veterans, to support increased training of psychologists
14 skilled in the treatment of post-traumatic stress disorder,
15 traumatic brain injury, and related disorders.

16 (b) The Secretary of Health and Human Services
17 may only use funds transferred under this section for the
18 purposes described in subsection (a).

19 (c) The Secretary of Veterans Affairs shall notify
20 Congress of any such transfer of funds under this section.

21 SEC. 223. None of the funds appropriated or other-
22 wise made available by this Act or any other Act for the
23 Department of Veterans Affairs may be used in a manner
24 that is inconsistent with—

1 (1) section 842 of the Transportation, Treas-
2 ury, Housing and Urban Development, the Judici-
3 ary, the District of Columbia, and Independent
4 Agencies Appropriations Act, 2006 (Public Law
5 109–115; 119 Stat. 2506); or

6 (2) section 8110(a)(5) of title 38, United States
7 Code.

8 SEC. 224. Of the amounts made available to the De-
9 partment of Veterans Affairs for fiscal year 2011, in this
10 Act or any other Act, under the “Medical facilities” ac-
11 count for nonrecurring maintenance, not more than 20
12 percent of the funds made available shall be obligated dur-
13 ing the last 2 months of that fiscal year: *Provided*, That
14 the Secretary may waive this requirement after providing
15 written notice to the Committees on Appropriations of
16 both Houses of Congress.

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 225. Of the amounts appropriated to the De-
19 partment of Veterans Affairs in this Act, and any other
20 Act, for “Medical services”, “Medical support and compli-
21 ance”, “Medical facilities”, “Construction, minor
22 projects”, and “Information technology systems”, up to
23 \$235,360,000, plus reimbursements, may be transferred
24 to the Joint Department of Defense-Department of Vet-
25 erans Affairs Medical Facility Demonstration Fund, es-

1 tablished by section 1704 of title XVII of division A of
2 Public Law 111–84, and shall be available to fund oper-
3 ations of the integrated Captain James A. Lovell Federal
4 Health Care Center, consisting of the North Chicago Vet-
5 eran Affairs Medical Center, and Navy Ambulatory Care
6 Center, and supporting facilities designated as a combined
7 Federal medical facility as described by Section 706 of
8 Public Law 110–417: *Provided*, That additional funds
9 may be transferred from accounts designated in this sec-
10 tion to the Joint Department of Defense-Department of
11 Veterans Affairs Medical Facility Demonstration Fund
12 upon written notification by the Secretary of Veterans Af-
13 fairs to the Committees on Appropriations of both Houses
14 of Congress.

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 226. Such sums as may be deposited to the
17 Medical Care Collections Fund pursuant to section 1729A
18 of title 38, United States Code, for health care provided
19 at the Captain James A. Lovell Federal Health Care Cen-
20 ter may be transferred to the Joint Department of De-
21 fense-Department of Veterans Affairs Medical Facility
22 Demonstration Fund, established by section 1704 of title
23 XVII of division A of Public Law 111–84, and shall be
24 available to fund operations of the integrated Captain
25 James A. Lovell Federal Health Care Center, consisting

1 of the North Chicago Veteran Affairs Medical Center, and
2 Navy Ambulatory Care Center, and supporting facilities
3 designated as a combined Federal medical facility as de-
4 scribed by section 1706 of Public Law 110–417.

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 227. Of the amounts available in this title for
7 “Medical services”, “Medical support and compliance”,
8 and “Medical facilities”, a minimum of \$15,000,000, shall
9 be transferred to the Department of Defense/Department
10 of Veterans Affairs Health Care Sharing Incentive Fund,
11 as authorized by section 8111(d) of title 38, United States
12 Code, to remain available until expended, for any purpose
13 authorized by section 8111 of title 38, United States Code.

14 (INCLUDING RESCISSION OF FUNDS)

15 SEC. 228. (a) Of the funds appropriated in the Mili-
16 tary Construction and Veterans Affairs and Related Agen-
17 cies Appropriations Act, 2010 (Public Law 111–117, divi-
18 sion E), the following amounts which become available on
19 October 1, 2010, are hereby rescinded from the following
20 accounts in the amounts specified:

21 “Medical services”, Department of Veterans Af-
22 fairs, \$1,015,000,000;

23 “Medical support and compliance”, Department
24 of Veterans Affairs, \$145,000,000; and

1 “Medical facilities”, Department of Veterans
2 Affairs, \$145,000,000.

3 (b) An additional amount is appropriated to the fol-
4 lowing accounts in the amounts specified, to become avail-
5 able on October 1, 2010, and to remain available until
6 September 30, 2012:

7 “Medical services”, Department of Veterans Af-
8 fairs, \$1,015,000,000;

9 “Medical support and compliance”, Department
10 of Veterans Affairs, \$145,000,000; and

11 “Medical facilities”, Department of Veterans
12 Affairs, \$145,000,000.

13 SEC. 229. The Secretary of the Department of Vet-
14 erans Affairs shall notify the Committees on Appropria-
15 tions of both Houses of Congress of all bid savings in
16 major construction projects that total at least \$5,000,000,
17 or 5 percent of the programmed amount of the project,
18 whichever is less: *Provided*, That such notification shall
19 occur within 14 days of a contract identifying the pro-
20 grammed amount: *Provided further*, That the Secretary
21 shall notify the committees 14 days prior to the obligation
22 of such bid savings and shall describe the anticipated use
23 of such savings.

24 SEC. 230. The scope of work for a project included
25 in “Construction, major projects” may not be increased

1 above the scope specified for that project in the original
2 justification data provided to the Congress as part of the
3 request for appropriations.

4 SEC. 231. Of the amounts made available for fiscal
5 year 2011 for “Medical facilities” in Public Law 111–117,
6 \$162,734,000 shall be available for renewable energy
7 projects at the Department of Veterans Affairs medical
8 facility campuses subject to section 8103 of title 38,
9 United States Code.

10 SEC. 232. For an additional amount for fiscal year
11 2011 for “Medical services”, \$74,776,000.

12 SEC. 233. For an additional amount for fiscal year
13 2011 for “Medical facilities”, \$35,000,000.

14 SEC. 234. In the Senate, section 902 of Public Law
15 111–212, the Supplemental Appropriations Act, 2010,
16 shall be subject to section 3002 of that Act and accord-
17 ingly is designated as an emergency requirement and nec-
18 essary to meet emergency needs pursuant to section
19 403(a) of S. Con. Res. 13 (111th Congress), the concur-
20 rent resolution on the budget for fiscal year 2010.

1 TITLE III
2 RELATED AGENCIES
3 AMERICAN BATTLE MONUMENTS COMMISSION
4 SALARIES AND EXPENSES

5 For necessary expenses, not otherwise provided for,
6 of the American Battle Monuments Commission, including
7 the acquisition of land or interest in land in foreign coun-
8 tries; purchases and repair of uniforms for caretakers of
9 national cemeteries and monuments outside of the United
10 States and its territories and possessions; rent of office
11 and garage space in foreign countries; purchase (one-for-
12 one replacement basis only) and hire of passenger motor
13 vehicles; not to exceed \$7,500 for official reception and
14 representation expenses; and insurance of official motor
15 vehicles in foreign countries, when required by law of such
16 countries, \$67,200,000, to remain available until ex-
17 pended.

18 FOREIGN CURRENCY FLUCTUATIONS ACCOUNT
19 For necessary expenses, not otherwise provided for,
20 of the American Battle Monuments Commission, such
21 sums as may be necessary, to remain available until ex-
22 pended, for purposes authorized by section 2109 of title
23 36, United States Code.

1 UNITED STATES COURT OF APPEALS FOR VETERANS

2 CLAIMS

3 SALARIES AND EXPENSES

4 For necessary expenses for the operation of the
5 United States Court of Appeals for Veterans Claims as
6 authorized by sections 7251 through 7298 of title 38,
7 United States Code, \$28,297,000: *Provided*, That
8 \$2,515,229 shall be available for the purpose of providing
9 financial assistance as described, and in accordance with
10 the process and reporting procedures set forth, under this
11 heading in Public Law 102–229.

12 DEPARTMENT OF DEFENSE—CIVIL

13 CEMETERIAL EXPENSES, ARMY

14 SALARIES AND EXPENSES

15 For necessary expenses, as authorized by law, for
16 maintenance, operation, and improvement of Arlington
17 National Cemetery and Soldiers' and Airmen's Home Na-
18 tional Cemetery, including the purchase of two passenger
19 motor vehicles for replacement only, and not to exceed
20 \$1,000 for official reception and representation expenses,
21 \$50,340,000, to remain available until expended: *Pro-*
22 *vided*, That none of the funds available under this heading
23 shall be for construction of a perimeter wall at Arlington
24 National Cemetery. In addition, such sums as may be nec-
25 essary for parking maintenance, repairs and replacement,

1 to be derived from the Lease of Department of Defense
2 Real Property for Defense Agencies account.

3 Funds appropriated under this Act may be provided
4 to Arlington County, Virginia, for the relocation of the
5 federally owned water main at Arlington National Ceme-
6 tery making additional land available for ground burials.

7 ARMED FORCES RETIREMENT HOME

8 TRUST FUND

9 For expenses necessary for the Armed Forces Retire-
10 ment Home to operate and maintain the Armed Forces
11 Retirement Home—Washington, District of Columbia,
12 and the Armed Forces Retirement Home—Gulfport, Mis-
13 sissippi, to be paid from funds available in the Armed
14 Forces Retirement Home Trust Fund, \$71,200,000, of
15 which \$2,000,000 shall remain available until expended
16 for construction and renovation of the physical plants at
17 the Armed Forces Retirement Home—Washington, Dis-
18 trict of Columbia, and the Armed Forces Retirement
19 Home—Gulfport, Mississippi.

1 TITLE IV
2 OVERSEAS CONTINGENCY OPERATIONS
3 DEPARTMENT OF DEFENSE
4 MILITARY CONSTRUCTION, ARMY
5 (INCLUDING TRANSFER OF FUNDS)

6 For an additional amount for “Military Construction,
7 Army”, \$918,845,000, to remain available until Sep-
8 tember 30, 2013: *Provided*, That of the amount appro-
9 priated, \$7,000,000 shall be transferred to “Department
10 of Defense—Other Department of Defense Programs—
11 Office of the Inspector General”, to be merged with and
12 to be available for the same time period as the appropria-
13 tion to which transferred, for the purpose of carrying out
14 audits of military construction projects in Afghanistan:
15 *Provided further*, That this transfer authority is in addi-
16 tion to any other transfer authority available to the De-
17 partment of Defense.

18 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS
19 For an additional amount for “Military Construction,
20 Navy and Marine Corps”, \$160,430,000, to remain avail-
21 able until September 30, 2013.

22 MILITARY CONSTRUCTION, AIR FORCE
23 For an additional amount for “Military Construction,
24 Air Force”, \$129,266,000, to remain available until Sep-
25 tember 30, 2013.

1 MILITARY CONSTRUCTION, DEFENSE-WIDE

2 For an additional amount for “Military Construction,
3 Defense-Wide”, \$48,461,000, to remain available until
4 September 30, 2013: *Provided*, That notwithstanding any
5 other provision of law, \$46,500,000 may be obligated and
6 expended to construct facilities in a foreign country for
7 the National Security Agency.

8 ADMINISTRATIVE PROVISIONS

9 SEC. 401. Each amount in this title is designated as
10 described in section 5 (in the matter preceding division
11 A of this consolidated Act).

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 402. Of the unobligated balances available
14 under the headings “Military Construction, Army” and
15 “Military Construction, Air Force” in title IV of division
16 E of Public Law 111–117, a total of up to \$250,000,000
17 may be transferred among projects and activities within
18 those accounts to accommodate cost and scope increases
19 or changes of location, or may be used to undertake mili-
20 tary construction projects not otherwise authorized by law
21 that are necessary to support urgent military operational
22 requirements in Afghanistan: *Provided*, That not less than
23 14 days before undertaking a military construction project
24 as described under this section, the Secretary of Defense
25 shall notify the congressional defense committees of the

1 proposed reprogramming of funds and the details and esti-
2 mated cost of the construction project: *Provided further*,
3 That section 401 of this title shall not apply to the funds
4 available in this provision.

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 403. Of the unobligated balances available
7 under the headings “Military Construction, Army” and
8 “Military Construction, Air Force” in chapter 9 of title
9 I of Public Law 111–212, a total of up to \$250,000,000
10 may be transferred among projects and activities within
11 those accounts to accommodate cost and scope increases
12 or changes of location, or may be used to undertake mili-
13 tary construction projects not otherwise authorized by law
14 that are necessary to support urgent military operational
15 requirements in Afghanistan: *Provided*, That not less than
16 14 days before undertaking a military construction project
17 as described under this section, the Secretary of Defense
18 shall notify the congressional defense committees of the
19 proposed reprogramming of funds and the details and esti-
20 mated cost of the construction project.

21 SEC. 404. Notwithstanding any other provision of
22 law, funds appropriated or otherwise made available by
23 this title may be obligated and expended to carry out plan-
24 ning and design and military construction projects not
25 otherwise authorized by law.

TITLE V

1

GENERAL PROVISIONS

2

3 SEC. 501. No part of any appropriation contained in
4 this Act shall remain available for obligation beyond the
5 current fiscal year unless expressly so provided herein.

6 SEC. 502. Such sums as may be necessary for fiscal
7 year 2011 for pay raises for programs funded by this Act
8 shall be absorbed within the levels appropriated in this
9 Act.

10 SEC. 503. None of the funds made available in this
11 Act may be used for any program, project, or activity,
12 when it is made known to the Federal entity or official
13 to which the funds are made available that the program,
14 project, or activity is not in compliance with any Federal
15 law relating to risk assessment, the protection of private
16 property rights, or unfunded mandates.

17 SEC. 504. No part of any funds appropriated in this
18 Act shall be used by an agency of the executive branch,
19 other than for normal and recognized executive-legislative
20 relationships, for publicity or propaganda purposes, and
21 for the preparation, distribution, or use of any kit, pam-
22 phlet, booklet, publication, radio, television, or film presen-
23 tation designed to support or defeat legislation pending
24 before Congress, except in presentation to Congress itself.

1 SEC. 505. All departments and agencies funded under
2 this Act are encouraged, within the limits of the existing
3 statutory authorities and funding, to expand their use of
4 “E-Commerce” technologies and procedures in the con-
5 duct of their business practices and public service activi-
6 ties.

7 SEC. 506. None of the funds made available in this
8 Act may be transferred to any department, agency, or in-
9 strumentality of the United States Government except
10 pursuant to a transfer made by, or transfer authority pro-
11 vided in, this or any other appropriations Act.

12 SEC. 507. Unless stated otherwise, all reports and no-
13 tifications required by this Act shall be submitted to the
14 Subcommittee on Military Construction and Veterans Af-
15 fairs, and Related Agencies of the Committee on Appro-
16 priations of the House of Representatives and the Sub-
17 committee on Military Construction and Veterans Affairs,
18 and Related Agencies of the Committee on Appropriations
19 of the Senate.

20 SEC. 508. None of the funds made available in this
21 Act may be used for a project or program named for an
22 individual serving as a Member, Delegate, or Resident
23 Commissioner of the United States House of Representa-
24 tives.

1 SEC. 509. (a) Any agency receiving funds made avail-
2 able in this Act, shall, subject to subsections (b) and (c),
3 post on the public website of that agency any report re-
4 quired to be submitted by the Congress in this or any
5 other Act, upon the determination by the head of the agen-
6 cy that it shall serve the national interest.

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

8 (1) the public posting of the report com-
9 promises national security; or

10 (2) the report contains confidential or propri-
11 etary information.

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

16 SEC. 510. None of the funds made available in this
17 Act may be used for the processing of new enhanced-use
18 leases at the National Home for Disabled Volunteer Sol-
19 diers located in Milwaukee, Wisconsin.

20 SEC. 511. For an additional amount for the Depart-
21 ment of Veterans Affairs for “Construction, Major
22 Projects”, \$46,550,000, to remain available until ex-
23 pended: *Provided*, That such funds shall be for the con-
24 struction of a Nursing Home Care Unit at the Beckley,
25 West Virginia, Veterans Affairs Medical Center: *Provided*

1 *further*, That notwithstanding any other provision of law,
2 such funds may be obligated and expended to carry out
3 planning and design and major medical facility construc-
4 tion not otherwise authorized by law.

5 SEC. 512. The Department of Veterans Affairs is au-
6 thorized to carry out, as a major medical facility project,
7 seismic corrections and renovation of various buildings to
8 include Building 209 for housing facilities for homeless
9 veterans at the Department of Veterans Affairs Medical
10 Center in West Los Angeles, California, in an amount not
11 to exceed \$35,500,000: *Provided*, That notwithstanding
12 any other provision of law, the Department of Veterans
13 Affairs may obligate funds derived as result of bid savings
14 from major medical facility projects for purposes of car-
15 rying out this provision.

16 (INCLUDING RESCISSION OF FUNDS)

17 SEC. 513. Of the unobligated balances available for
18 “Military Construction, Army”, from prior appropriations
19 Acts, \$200,000,000 are hereby rescinded.

20 (INCLUDING RESCISSION OF FUNDS)

21 SEC. 514. Of the unobligated balances available in
22 title X of Public Law 111–5 under the headings “Military
23 Construction, Army”, “Military Construction, Navy and
24 Marine Corps”, “Military Construction, Air Force”, “Mili-
25 tary Construction, Defense-Wide”, “Military Construc-

1 tion, Army National Guard”, and “Military Construction,
2 Air National Guard”, \$128,000,000 are hereby rescinded.

3 (INCLUDING RESCISSION OF FUNDS)

4 SEC. 515. Of the unobligated balances available in
5 Title II of division E of Public Law 111–117, under the
6 heading “Departmental Administration, Information
7 Technology Systems”, for staffing and administrative pay-
8 roll, \$117,505,000 are hereby rescinded.

9 This division may be cited as the “Military Construc-
10 tion and Veterans Affairs, and Related Agencies Appro-
11 priations Act, 2011”.

12 **DIVISION K—DEPARTMENT OF STATE,**
13 **FOREIGN OPERATIONS, AND RELATED**
14 **PROGRAMS APPROPRIATIONS ACT,**
15 **2011**

16 TITLE I
17 DEPARTMENT OF STATE AND RELATED
18 AGENCY

19 DEPARTMENT OF STATE
20 ADMINISTRATION OF FOREIGN AFFAIRS
21 DIPLOMATIC AND CONSULAR PROGRAMS

22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses of the Department of State
24 and the Foreign Service not otherwise provided for,
25 \$9,553,200,000, of which \$1,560,700,000 is for World-

1 wide Security Protection: *Provided*, That the Secretary of
2 State may transfer up to \$250,000,000 of the total funds
3 made available under this heading to any other appropria-
4 tion of any department or agency of the United States,
5 upon the concurrence of the head of such department or
6 agency, to support operations in and assistance for Af-
7 ghanistan and to carry out the provisions of the Foreign
8 Assistance Act of 1961: *Provided further*, That funds
9 made available under this heading shall be allocated as
10 follows:

11 (1) HUMAN RESOURCES.—For necessary ex-
12 penses for training, human resources management,
13 and salaries, including employment without regard
14 to civil service and classification laws of persons on
15 a temporary basis (not to exceed \$700,000), as au-
16 thorized by section 801 of the United States Infor-
17 mation and Educational Exchange Act of 1948,
18 \$2,754,289,000, to remain available until September
19 30, 2012, of which not less than \$140,728,000 shall
20 be available only for public diplomacy American sal-
21 aries, and \$249,315,000 is for Worldwide Security
22 Protection and shall remain available until expended.

23 (2) OVERSEAS PROGRAMS.—For necessary ex-
24 penses for the regional bureaus of the Department
25 of State and overseas activities as authorized by law,

1 \$3,432,216,000, to remain available until September
2 30, 2012, of which not less than \$415,243,000 shall
3 be available only for public diplomacy international
4 information programs.

5 (3) DIPLOMATIC POLICY AND SUPPORT.—For
6 necessary expenses for the functional bureaus of the
7 Department of State including representation to cer-
8 tain international organizations in which the United
9 States participates pursuant to treaties ratified pur-
10 suant to the advice and consent of the Senate or
11 specific Acts of Congress, general administration,
12 and arms control, nonproliferation and disarmament
13 activities as authorized, \$884,988,000, to remain
14 available until September 30, 2012.

15 (4) SECURITY PROGRAMS.—For necessary ex-
16 penses for security activities, \$2,481,707,000, to re-
17 main available until September 30, 2012, of which
18 \$1,311,385,000 is for Worldwide Security Protection
19 and shall remain available until expended.

20 (5) FEES AND PAYMENTS COLLECTED.—In ad-
21 dition to amounts otherwise made available under
22 this heading—

23 (A) not to exceed \$1,702,904 shall be de-
24 rived from fees collected from other executive
25 agencies for lease or use of facilities located at

1 the International Center in accordance with sec-
2 tion 4 of the International Center Act, and, in
3 addition, as authorized by section 5 of such
4 Act, \$505,000, to be derived from the reserve
5 authorized by that section, to be used for the
6 purposes set out in that section;

7 (B) as authorized by section 810 of the
8 United States Information and Educational Ex-
9 change Act, not to exceed \$6,000,000, to re-
10 main available until expended, may be credited
11 to this appropriation from fees or other pay-
12 ments received from English teaching, library,
13 motion pictures, and publication programs and
14 from fees from educational advising and coun-
15 seling and exchange visitor programs; and

16 (C) not to exceed \$15,000, which shall be
17 derived from reimbursements, surcharges and
18 fees for use of Blair House facilities.

19 (6) TRANSFER, REPROGRAMMING, AND SPEND-
20 ING PLAN.—

21 (A) Notwithstanding any provision of this
22 Act, funds may be reprogrammed within and
23 between subsections under this heading subject
24 to section 7015 of this Act.

1 (B) Of the amount made available under
2 this heading, not to exceed \$12,500,000 may be
3 transferred to, and merged with, funds made
4 available by this Act under the heading “Emer-
5 gencies in the Diplomatic and Consular Serv-
6 ice”, to be available only for emergency evacu-
7 ations and rewards, as authorized.

8 (C) Funds appropriated under this heading
9 are available for acquisition by exchange or pur-
10 chase of passenger motor vehicles as authorized
11 by law and, pursuant to 31 U.S.C. 1108(g), for
12 the field examination of programs and activities
13 in the United States funded from any account
14 contained in this title.

15 (D) Not later than 45 days after the en-
16 actment of this Act, the Secretary of State shall
17 submit to the Committees on Appropriations a
18 report detailing planned expenditures for funds
19 appropriated under this heading.

20 (7) PROPERTY INVENTORY.—Funds appro-
21 priated under this heading in this Act may not be
22 made available to the Department of State for the
23 purchase of vehicles, radios, cell phones, and other
24 nonexpendable equipment unless the Secretary of
25 State reports, in writing, to the Committees on Ap-

1 appropriations that the Department is taking steps to
2 improve inventory procedures, including accounting
3 for missing armored vehicles, and for the timely dis-
4 posal of excess equipment.

5 CIVILIAN STABILIZATION INITIATIVE

6 For necessary expenses to support, maintain, mobi-
7 lize, and deploy a civilian response corps in coordination
8 with the United States Agency for International Develop-
9 ment (USAID), and for related reconstruction and sta-
10 bilization assistance to prevent or respond to conflict or
11 civil strife in foreign countries or regions, or to enable
12 transition from such strife, \$35,000,000, to remain avail-
13 able until expended: *Provided*, That funds made available
14 under this heading may be made available in fiscal year
15 2011 to provide administrative expenses for the Office of
16 the Coordinator for Reconstruction and Stabilization: *Pro-*
17 *vided further*, That notwithstanding any other provision
18 of law, and following consultation with the Committees on
19 Appropriations, the President may exercise transfer au-
20 thorities contained in the Foreign Assistance Act of 1961
21 for reconstruction and stabilization assistance managed by
22 the Office of the Coordinator for Reconstruction and Sta-
23 bilization only to support an actively deployed Civilian Re-
24 sponse Corps, subject to the regular notification proce-
25 dures of the Committees on Appropriations: *Provided fur-*

1 *ther*, That not later than 45 days after enactment of this
2 Act, the Secretary of State and the USAID Administrator
3 shall submit a coordinated joint spending plan for funds
4 made available under this heading and under the heading
5 “Civilian Stabilization Initiative” in title II of this Act.

6 CAPITAL INVESTMENT FUND

7 For necessary expenses of the Capital Investment
8 Fund, \$139,000,000, to remain available until expended,
9 as authorized: *Provided*, That section 135(e) of Public
10 Law 103–236 shall not apply to funds available under this
11 heading.

12 OFFICE OF INSPECTOR GENERAL

13 For necessary expenses of the Office of Inspector
14 General, \$115,000,000, notwithstanding section 209(a)(1)
15 of the Foreign Service Act of 1980 (Public Law 96–465),
16 as it relates to post inspections, of which \$22,000,000
17 shall be for the Special Inspector General for Iraq Recon-
18 struction for reconstruction oversight, and \$30,287,000
19 shall be for the Special Inspector General for Afghanistan
20 Reconstruction for reconstruction oversight.

21 EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

22 For expenses of educational and cultural exchange
23 programs, as authorized, \$654,200,000, to remain avail-
24 able until expended: *Provided*, That not to exceed
25 \$5,000,000, to remain available until expended, may be

1 credited to this appropriation from fees or other payments
2 received from or in connection with English teaching, edu-
3 cational advising and counseling programs, and exchange
4 visitor programs as authorized.

5 REPRESENTATION ALLOWANCES

6 For representation allowances as authorized,
7 \$8,175,000.

8 PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

9 For expenses, not otherwise provided, to enable the
10 Secretary of State to provide for extraordinary protective
11 services, as authorized, \$30,000,000, to remain available
12 until September 30, 2012.

13 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

14 For necessary expenses for carrying out the Foreign
15 Service Buildings Act of 1926 (22 U.S.C. 292–303), pre-
16 serving, maintaining, repairing, and planning for buildings
17 that are owned or directly leased by the Department of
18 State, renovating, in addition to funds otherwise available,
19 the Harry S Truman Building, and carrying out the Dip-
20 lomatic Security Construction Program as authorized,
21 \$913,300,000, to remain available until expended as au-
22 thorized, of which not to exceed \$25,000 may be used for
23 domestic and overseas representation as authorized: *Pro-*
24 *vided*, That none of the funds appropriated in this para-
25 graph shall be available for acquisition of furniture, fur-

1 nishings, or generators for other departments and agen-
2 cies.

3 In addition, for the costs of worldwide security up-
4 grades, acquisition, and construction as authorized,
5 \$925,000,000, to remain available until expended: *Pro-*
6 *vided*, That not later than 45 days after enactment of this
7 Act, the Secretary of State shall submit to the Committees
8 on Appropriations the proposed allocation of funds made
9 available under this heading and the actual and antici-
10 pated proceeds of sales for all projects in fiscal year 2011.

11 EMERGENCIES IN THE DIPLOMATIC AND CONSULAR

12 SERVICE

13 (INCLUDING TRANSFER OF FUNDS)

14 For necessary expenses to enable the Secretary of
15 State to meet unforeseen emergencies arising in the Diplo-
16 matic and Consular Service, \$10,500,000, to remain avail-
17 able until expended as authorized, of which not to exceed
18 \$1,000,000 may be transferred to, and merged with, funds
19 appropriated by this Act under the heading “Repatriation
20 Loans Program Account”, subject to the same terms and
21 conditions.

22 REPATRIATION LOANS PROGRAM ACCOUNT

23 (INCLUDING TRANSFER OF FUNDS)

24 For the cost of direct loans, \$739,000, as authorized:
25 *Provided*, That such costs, including the cost of modifying

1 such loans, shall be as defined in section 502 of the Con-
2 gressional Budget Act of 1974.

3 In addition, for administrative expenses necessary to
4 carry out the direct loan program, \$711,000, which may
5 be transferred to, and merged with, funds made available
6 under the heading “Diplomatic and Consular Programs”.

7 PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

8 For necessary expenses to carry out the Taiwan Rela-
9 tions Act (Public Law 96–8), \$21,420,000.

10 PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND
11 DISABILITY FUND

12 For payment to the Foreign Service Retirement and
13 Disability Fund, as authorized, \$158,900,000.

14 INTERNATIONAL ORGANIZATIONS

15 CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

16 For necessary expenses, not otherwise provided for,
17 to meet annual obligations of membership in international
18 multilateral organizations, pursuant to treaties ratified
19 pursuant to the advice and consent of the Senate, conven-
20 tions or specific Acts of Congress, \$1,545,430,000: *Pro-*
21 *vided*, That the Secretary of State shall, at the time of
22 the submission of the President’s budget to Congress
23 under section 1105(a) of title 31, United States Code,
24 transmit to the Committees on Appropriations the most
25 recent biennial budget prepared by the United Nations for

1 the operations of the United Nations: *Provided further,*
2 That the Secretary of State shall notify the Committees
3 on Appropriations at least 15 days in advance (or in an
4 emergency, as far in advance as is practicable) of any
5 United Nations action to increase funding for any United
6 Nations program without identifying an offsetting de-
7 crease elsewhere in the United Nations budget: *Provided*
8 *further,* That notwithstanding any other provision of law,
9 credits to United States assessed contributions to the
10 United Nations Tax Equalization Fund should be used to
11 offset other assessed contributions to the United Nations,
12 subject to the regular notification procedures of the Com-
13 mittees on Appropriations: *Provided further,* That any
14 payment of arrearages under this heading shall be directed
15 toward activities that are mutually agreed upon by the
16 United States and the respective international organiza-
17 tion: *Provided further,* That none of the funds appro-
18 priated under this heading shall be available for a United
19 States contribution to an international organization for
20 the United States share of interest costs made known to
21 the United States Government by such organization for
22 loans incurred on or after October 1, 1984, through exter-
23 nal borrowings: *Provided further,* That the reporting re-
24 quirement in section 7052 of division F of Public Law

1 111–117 shall continue to be in effect until September 30,
2 2011.

3 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING
4 ACTIVITIES

5 For necessary expenses to pay assessed and other ex-
6 penses of international peacekeeping activities directed to
7 the maintenance or restoration of international peace and
8 security, \$2,096,382,000, of which 15 percent shall re-
9 main available until September 30, 2012: *Provided*, That
10 at least 15 days in advance of voting for a new or ex-
11 panded mission in the United Nations Security Council
12 (or in an emergency as far in advance as is practicable):
13 (1) the Committees on Appropriations shall be notified of
14 the estimated cost and length of the mission, the national
15 interest that will be served, the planned exit strategy, and
16 that the United Nations has taken appropriate measures
17 to prevent United Nations employees, contractor per-
18 sonnel, and peacekeeping forces serving in the mission
19 from trafficking in persons, exploiting victims of traf-
20 ficking, or committing acts of illegal sexual exploitation,
21 and to hold accountable individuals who engage in such
22 acts while participating in the peacekeeping mission, in-
23 cluding the prosecution in their home countries of such
24 individuals in connection with such acts; and (2) notifica-
25 tion pursuant to section 7015 of this Act is submitted,

1 and the procedures therein followed, setting forth the
2 source of funds that will be used to pay for the cost of
3 the new or expanded mission: *Provided further*, That funds
4 shall be available for peacekeeping expenses unless the
5 Secretary of State determines that American manufactur-
6 ers and suppliers are not being given opportunities to pro-
7 vide equipment, services, and material for United Nations
8 peacekeeping activities equal to those being given to for-
9 eign manufacturers and suppliers: *Provided further*, That
10 the Secretary of State should work with the United Na-
11 tions and governments contributing peacekeeping troops
12 to develop effective vetting procedures to ensure that
13 troops have not been credibly alleged to have violated
14 human rights: *Provided further*, That notwithstanding any
15 other provision of law, credits to United States assessed
16 contributions to the United Nations Tax Equalization
17 Fund should be used to offset other assessed contributions
18 to the United Nations, subject to the regular notification
19 procedures of the Committees on Appropriations.

20 INTERNATIONAL COMMISSIONS

21 For necessary expenses, not otherwise provided for,
22 to meet obligations of the United States arising under
23 treaties, or specific Acts of Congress, as follows:

1 INTERNATIONAL BOUNDARY AND WATER COMMISSION,
2 UNITED STATES AND MEXICO

3 For necessary expenses for the United States Section
4 of the International Boundary and Water Commission,
5 United States and Mexico, and to comply with laws appli-
6 cable to the United States Section, including not to exceed
7 \$6,000 for representation; as follows:

8 SALARIES AND EXPENSES

9 For salaries and expenses, not otherwise provided for,
10 \$47,431,000.

11 CONSTRUCTION

12 For detailed plan preparation and construction of au-
13 thorized projects, \$26,900,000, to remain available until
14 expended, as authorized.

15 AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

16 For necessary expenses, not otherwise provided, for
17 the International Joint Commission and the International
18 Boundary Commission, United States and Canada, as au-
19 thorized by treaties between the United States and Can-
20 ada or Great Britain, and the Border Environment Co-
21 operation Commission as authorized by Public Law 103-
22 182, \$12,655,000: *Provided*, That of the amount provided
23 under this heading for the International Joint Commis-
24 sion, \$9,000 may be made available for representation ex-
25 penses.

1 INTERNATIONAL FISHERIES COMMISSIONS

2 For necessary expenses for international fisheries
3 commissions, not otherwise provided for, as authorized by
4 law, \$51,000,000, of which \$500,000 shall remain avail-
5 able until September 30, 2012: *Provided*, That the United
6 States share of such expenses may be advanced to the re-
7 spective commissions pursuant to 31 U.S.C. 3324: *Pro-*
8 *vided further*, That in addition to other funds available for
9 such purposes, funds available under this heading may be
10 used to make payments necessary to fulfill the United
11 States' obligations under the Pacific Salmon Treaty.

12 RELATED AGENCY

13 BROADCASTING BOARD OF GOVERNORS

14 INTERNATIONAL BROADCASTING OPERATIONS

15 For necessary expenses to enable the Broadcasting
16 Board of Governors (BBG), as authorized, to carry out
17 international communication activities, including the pur-
18 chase, rent, construction, and improvement of facilities for
19 radio and television transmission and reception and pur-
20 chase, lease, and installation of necessary equipment for
21 radio and television transmission and reception to Cuba,
22 and to make and supervise grants for radio and television
23 broadcasting to the Middle East, \$744,500,000: *Provided*,
24 That of the total amount in this heading, not to exceed
25 \$16,000 may be used for official receptions within the

1 United States as authorized, not to exceed \$35,000 may
2 be used for representation abroad as authorized, and not
3 to exceed \$39,000 may be used for official reception and
4 representation expenses of Radio Free Europe/Radio Lib-
5 erty: *Provided further*, That the authority provided by sec-
6 tion 504(c) of the Foreign Relations Authorization Act,
7 Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 6206
8 note) shall remain in effect through September 30, 2011:
9 *Provided further*, That the BBG shall notify the Commit-
10 tees on Appropriations within 15 days of any determina-
11 tion by the Board that any of its broadcast entities, in-
12 cluding its grantee organizations, provides an open plat-
13 form for international terrorists or those who support
14 international terrorism, or is in violation of the principles
15 and standards set forth in the United States International
16 Broadcasting Act of 1994 (22 U.S.C. 6202(a) and (b))
17 or the entity’s journalistic code of ethics: *Provided further*,
18 That reductions and increases to BBG broadcast hours
19 previously justified to Congress, including changes to
20 transmission platforms (shortwave, medium wave, sat-
21 ellite, and television), for all BBG language services shall
22 be subject to the regular notification procedures of the
23 Committees on Appropriations: *Provided further*, That in
24 addition to funds made available under this heading, and
25 notwithstanding any other provision of law, up to

1 \$2,000,000 in receipts from advertising and revenue from
2 business ventures, up to \$500,000 in receipts from cooper-
3 ating international organizations, and up to \$1,000,000
4 in receipts from privatization efforts of the Voice of Amer-
5 ica and the International Broadcasting Bureau, to remain
6 available until expended for carrying out authorized pur-
7 poses.

8 BROADCASTING CAPITAL IMPROVEMENTS

9 For the purchase, rent, construction, and improve-
10 ment of facilities for radio and television transmission and
11 reception, and purchase and installation of necessary
12 equipment for radio and television transmission and recep-
13 tion as authorized, \$6,875,000, to remain available until
14 expended, as authorized.

15 RELATED PROGRAMS

16 THE ASIA FOUNDATION

17 For a grant to The Asia Foundation, as authorized
18 by The Asia Foundation Act (22 U.S.C. 4402),
19 \$19,000,000, to remain available until expended, as au-
20 thorized.

21 UNITED STATES INSTITUTE OF PEACE

22 For necessary expenses of the United States Institute
23 of Peace, as authorized by the United States Institute of
24 Peace Act, \$44,050,000, to remain available until Sep-

1 tember 30, 2012, which shall not be used for construction
2 activities.

3 CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE

4 TRUST FUND

5 For necessary expenses of the Center for Middle
6 Eastern-Western Dialogue Trust Fund, the total amount
7 of the interest and earnings accruing to such Fund on or
8 before September 30, 2011, to remain available until ex-
9 pended.

10 EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

11 For necessary expenses of Eisenhower Exchange Fel-
12 lowships, Incorporated, as authorized by sections 4 and
13 5 of the Eisenhower Exchange Fellowship Act of 1990 (20
14 U.S.C. 5204–5205), all interest and earnings accruing to
15 the Eisenhower Exchange Fellowship Program Trust
16 Fund on or before September 30, 2011, to remain avail-
17 able until expended: *Provided*, That none of the funds ap-
18 propriated herein shall be used to pay any salary or other
19 compensation, or to enter into any contract providing for
20 the payment thereof, in excess of the rate authorized by
21 5 U.S.C. 5376; or for purposes which are not in accord-
22 ance with OMB Circulars A–110 (Uniform Administrative
23 Requirements) and A–122 (Cost Principles for Non-profit
24 Organizations), including the restrictions on compensation
25 for personal services.

1 ISRAELI ARAB SCHOLARSHIP PROGRAM

2 For necessary expenses of the Israeli Arab Scholar-
3 ship Program, as authorized by section 214 of the Foreign
4 Relations Authorization Act, Fiscal Years 1992 and 1993
5 (22 U.S.C. 2452), all interest and earnings accruing to
6 the Israeli Arab Scholarship Fund on or before September
7 30, 2011, to remain available until expended.

8 EAST-WEST CENTER

9 To enable the Secretary of State to provide for car-
10 rying out the provisions of the Center for Cultural and
11 Technical Interchange Between East and West Act of
12 1960, by grant to the Center for Cultural and Technical
13 Interchange Between East and West in the State of Ha-
14 waii, \$23,100,000: *Provided*, That none of the funds ap-
15 propriated herein shall be used to pay any salary, or enter
16 into any contract providing for the payment thereof, in
17 excess of the rate authorized by 5 U.S.C. 5376.

18 NATIONAL ENDOWMENT FOR DEMOCRACY

19 For grants made by the Department of State to the
20 National Endowment for Democracy, as authorized by the
21 National Endowment for Democracy Act, \$118,000,000,
22 to remain available until expended, of which \$100,000,000
23 shall be allocated in the traditional and customary man-
24 ner, including for the core institutes, and \$18,000,000
25 shall be for democracy, human rights, and rule of law pro-

1 grams: *Provided*, That the President of the National En-
2 dowment for Democracy shall submit to the Committees
3 on Appropriations not later than 45 days after the date
4 of enactment of this Act a report on the proposed uses
5 of funds under this heading on a regional and country
6 basis.

7 In addition, for grants made by the Department of
8 State to the National Endowment for Democracy, as au-
9 thorized by the National Endowment for Democracy Act,
10 \$10,500,000 for small grants for democracy programs in
11 Egypt, Pakistan, Cuba, North Korea, and the Democratic
12 Republic of the Congo.

13 OTHER COMMISSIONS

14 COMMISSION FOR THE PRESERVATION OF AMERICA'S

15 HERITAGE ABROAD

16 SALARIES AND EXPENSES

17 For necessary expenses for the Commission for the
18 Preservation of America's Heritage Abroad, \$647,000, as
19 authorized by section 1303 of Public Law 99-83.

20 UNITED STATES COMMISSION ON INTERNATIONAL

21 RELIGIOUS FREEDOM

22 SALARIES AND EXPENSES

23 For necessary expenses for the United States Com-
24 mission on International Religious Freedom, as authorized
25 by title II of the International Religious Freedom Act of

1 1998 (Public Law 105–292), \$4,350,000, to remain avail-
2 able until September 30, 2012: *Provided*, That notwith-
3 standing the expenditure limitation specified in section
4 208(c)(1) of such Act (22 U.S.C. 6435a(c)(1)), the Com-
5 mission may expend up to \$250,000 of the funds made
6 available under this heading to procure temporary and
7 intermittent services under the authority of section
8 3109(b) of title 5, United States Code.

9 COMMISSION ON SECURITY AND COOPERATION IN

10 EUROPE

11 SALARIES AND EXPENSES

12 For necessary expenses of the Commission on Secu-
13 rity and Cooperation in Europe, as authorized by Public
14 Law 94–304, \$2,715,000, to remain available until Sep-
15 tember 30, 2012.

16 CONGRESSIONAL-EXECUTIVE COMMISSION ON THE

17 PEOPLE’S REPUBLIC OF CHINA

18 SALARIES AND EXPENSES

19 For necessary expenses of the Congressional-Execu-
20 tive Commission on the People’s Republic of China, as au-
21 thorized, \$2,000,000, including not more than \$3,000 for
22 the purpose of official representation, to remain available
23 until September 30, 2012.

1 UNITED STATES-CHINA ECONOMIC AND SECURITY
2 REVIEW COMMISSION
3 SALARIES AND EXPENSES

4 For necessary expenses of the United States-China
5 Economic and Security Review Commission, \$3,625,000,
6 including not more than \$4,000 for the purpose of official
7 representation, to remain available until September 30,
8 2012: *Provided*, That the second through sixth provisos
9 under this heading in division F of Public Law 111–117
10 shall continue in effect during fiscal year 2011 and shall
11 apply as if part of this Act.

12 TITLE II
13 UNITED STATES AGENCY FOR INTERNATIONAL
14 DEVELOPMENT
15 FUNDS APPROPRIATED TO THE PRESIDENT
16 OPERATING EXPENSES
17 (INCLUDING TRANSFER OF FUNDS)

18 For necessary expenses to carry out the provisions
19 of section 667 of the Foreign Assistance Act of 1961,
20 \$1,392,000,000, of which up to \$160,000,000 may remain
21 available until September 30, 2012: *Provided*, That none
22 of the funds appropriated under this heading and under
23 the heading “Capital Investment Fund” in this title may
24 be made available to finance the construction (including
25 architect and engineering services), purchase, or long-term

1 lease of offices for use by the United States Agency for
2 International Development (USAID), unless the USAID
3 Administrator has identified such proposed construction
4 (including architect and engineering services), purchase,
5 or long-term lease of offices in a report submitted to the
6 Committees on Appropriations at least 15 days prior to
7 the obligation of funds for such purposes: *Provided fur-*
8 *ther*, That the previous proviso shall not apply when the
9 total cost of construction (including architect and engi-
10 neering services), purchase, or long-term lease of offices
11 does not exceed \$1,000,000: *Provided further*, That of the
12 funds appropriated under this heading that are available
13 for capital investments related to the Development Lead-
14 ership Initiative, up to \$37,457,000 may remain available
15 until September 30, 2014: *Provided further*, That con-
16 tracts or agreements entered into with funds appropriated
17 under this heading may entail commitments for the ex-
18 penditure of such funds through the following fiscal year:
19 *Provided further*, That any decision to open a new USAID
20 mission or office or, except where there is a substantial
21 security risk to mission personnel, to close or significantly
22 reduce the number of personnel of any such mission or
23 office, shall be subject to the regular notification proce-
24 dures of the Committees on Appropriations: *Provided fur-*
25 *ther*, That the authority of sections 610 and 109 of the

1 Foreign Assistance Act of 1961 may be exercised by the
2 Secretary of State to transfer funds appropriated to carry
3 out chapter 1 of part I of such Act to “Operating Ex-
4 penses” in accordance with the provisions of those sec-
5 tions: *Provided further*, That of the funds appropriated or
6 made available under this heading, not to exceed \$250,000
7 may be available for representation and entertainment al-
8 lowances, of which not to exceed \$5,000 may be available
9 for entertainment allowances, for USAID during the cur-
10 rent fiscal year: *Provided further*, That no such entertain-
11 ment funds may be used for the purposes listed in section
12 7020 of this Act: *Provided further*, That appropriate steps
13 shall be taken to assure that, to the maximum extent pos-
14 sible, United States-owned foreign currencies are utilized
15 in lieu of dollars: *Provided further*, That not later than
16 45 days after enactment of this Act, the USAID Adminis-
17 trator shall submit to the Committees on Appropriations
18 a report detailing planned expenditures for funds appro-
19 priated under this heading.

20 CIVILIAN STABILIZATION INITIATIVE

21 For necessary expenses to carry out section 667 of
22 the Foreign Assistance Act of 1961 for the United States
23 Agency for International Development (USAID) to sup-
24 port, maintain, mobilize, and deploy a Civilian Response
25 Corps in coordination with the Department of State, and

1 for related reconstruction and stabilization assistance to
2 prevent or respond to conflict or civil strife in foreign
3 countries or regions, or to enable transition from such
4 strife, \$15,000,000, to remain available until September
5 30, 2012: *Provided*, That not later than 45 days after en-
6 actment of this Act, the Secretary of State and the
7 USAID Administrator shall submit a coordinated joint
8 spending plan for funds made available under this heading
9 and under the heading “Civilian Stabilization Initiative”
10 in title I of this Act.

11 CAPITAL INVESTMENT FUND

12 For necessary expenses for overseas construction and
13 related costs, and for the procurement and enhancement
14 of information technology and related capital investments,
15 pursuant to section 667 of the Foreign Assistance Act of
16 1961, \$173,000,000, to remain available until expended,
17 of which not more than \$122,100,000 may be made avail-
18 able for the purpose of implementing the Capital Security
19 Cost-Sharing Program: *Provided*, That this amount is in
20 addition to funds otherwise available for such purposes:
21 *Provided further*, That funds appropriated under this
22 heading shall be available for obligation only pursuant to
23 the regular notification procedures of the Committees on
24 Appropriations.

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses to carry out the provisions
3 of section 667 of the Foreign Assistance Act of 1961,
4 \$46,500,000, to remain available until September 30,
5 2012, which shall be available for the Office of Inspector
6 General of the United States Agency for International De-
7 velopment.

8 TITLE III

9 BILATERAL ECONOMIC ASSISTANCE

10 FUNDS APPROPRIATED TO THE PRESIDENT

11 For necessary expenses to enable the President to
12 carry out the provisions of the Foreign Assistance Act of
13 1961, and for other purposes, to remain available until
14 September 30, 2012, unless otherwise specified herein, as
15 follows:

16 GLOBAL HEALTH AND CHILD SURVIVAL

17 (INCLUDING TRANSFER OF FUNDS)

18 For necessary expenses to carry out the provisions
19 of chapters 1 and 10 of part I of the Foreign Assistance
20 Act of 1961, for global health activities, in addition to
21 funds otherwise available for such purposes,
22 \$2,722,000,000, which shall be apportioned directly to the
23 United States Agency for International Development
24 (USAID): *Provided*, That this amount shall be avail-
25 able for training, equipment, and technical assistance to

1 build the capacity of public health institutions and organi-
2 zations in developing countries, and for such activities as:
3 (1) child survival and maternal health programs; (2) im-
4 munization and oral rehydration programs; (3) other
5 health, nutrition, water and sanitation programs which di-
6 rectly address the needs of mothers and children, and re-
7 lated education programs; (4) assistance for children dis-
8 placed or orphaned by causes other than AIDS; (5) pro-
9 grams for the prevention, treatment, control of, and re-
10 search on HIV/AIDS, tuberculosis, polio, malaria, and
11 other infectious diseases including neglected tropical dis-
12 eases, and for assistance to communities severely affected
13 by HIV/AIDS, including children infected or affected by
14 AIDS; and (6) family planning/reproductive health: *Pro-*
15 *vided further*, That none of the funds appropriated under
16 this paragraph may be made available for nonproject as-
17 sistance, except that funds may be made available for such
18 assistance for ongoing health activities: *Provided further*,
19 That funds appropriated under this paragraph shall be
20 made available for a United States contribution to the
21 GAVI Alliance: *Provided further*, That none of the funds
22 made available in this Act nor any unobligated balances
23 from prior appropriations Acts may be made available to
24 any organization or program which, as determined by the
25 President of the United States, supports or participates

1 in the management of a program of coercive abortion or
2 involuntary sterilization: *Provided further*, That any deter-
3 mination made under the previous proviso must be accom-
4 panied by the evidence and criteria utilized to make the
5 determination: *Provided further*, That none of the funds
6 made available under this Act may be used to pay for the
7 performance of abortion as a method of family planning
8 or to motivate or coerce any person to practice abortions:
9 *Provided further*, That nothing in this paragraph shall be
10 construed to alter any existing statutory prohibitions
11 against abortion under section 104 of the Foreign Assist-
12 ance Act of 1961: *Provided further*, That none of the funds
13 made available under this Act may be used to lobby for
14 or against abortion: *Provided further*, That in order to re-
15 duce reliance on abortion in developing nations, funds
16 shall be available only to voluntary family planning
17 projects which offer, either directly or through referral to,
18 or information about access to, a broad range of family
19 planning methods and services, and that any such vol-
20 untary family planning project shall meet the following re-
21 quirements: (1) service providers or referral agents in the
22 project shall not implement or be subject to quotas, or
23 other numerical targets, of total number of births, number
24 of family planning acceptors, or acceptors of a particular
25 method of family planning (this provision shall not be con-

1 strued to include the use of quantitative estimates or indi-
2 cators for budgeting and planning purposes); (2) the
3 project shall not include payment of incentives, bribes,
4 gratuities, or financial reward to: (A) an individual in ex-
5 change for becoming a family planning acceptor; or (B)
6 program personnel for achieving a numerical target or
7 quota of total number of births, number of family planning
8 acceptors, or acceptors of a particular method of family
9 planning; (3) the project shall not deny any right or ben-
10 efit, including the right of access to participate in any pro-
11 gram of general welfare or the right of access to health
12 care, as a consequence of any individual's decision not to
13 accept family planning services; (4) the project shall pro-
14 vide family planning acceptors comprehensible information
15 on the health benefits and risks of the method chosen, in-
16 cluding those conditions that might render the use of the
17 method inadvisable and those adverse side effects known
18 to be consequent to the use of the method; and (5) the
19 project shall ensure that experimental contraceptive drugs
20 and devices and medical procedures are provided only in
21 the context of a scientific study in which participants are
22 advised of potential risks and benefits; and, not less than
23 60 days after the date on which the USAID Administrator
24 determines that there has been a violation of the require-
25 ments contained in paragraph (1), (2), (3), or (5) of this

1 proviso, or a pattern or practice of violations of the re-
2 quirements contained in paragraph (4) of this proviso, the
3 Administrator shall submit to the Committees on Appro-
4 priations a report containing a description of such viola-
5 tion and the corrective action taken by the Agency: *Pro-*
6 *vided further*, That in awarding grants for natural family
7 planning under section 104 of the Foreign Assistance Act
8 of 1961 no applicant shall be discriminated against be-
9 cause of such applicant's religious or conscientious com-
10 mitment to offer only natural family planning; and, addi-
11 tionally, all such applicants shall comply with the require-
12 ments of the previous proviso: *Provided further*, That for
13 purposes of this or any other Act authorizing or appro-
14 priating funds for the Department of State, foreign oper-
15 ations, and related programs, the term "motivate", as it
16 relates to family planning assistance, shall not be con-
17 strued to prohibit the provision, consistent with local law,
18 of information or counseling about all pregnancy options:
19 *Provided further*, That information provided about the use
20 of condoms as part of projects or activities that are funded
21 from amounts appropriated by this Act shall be medically
22 accurate and shall include the public health benefits and
23 failure rates of such use.

24 In addition, for necessary expenses to carry out the
25 provisions of the Foreign Assistance Act of 1961 for the

1 prevention, treatment, and control of, and research on,
2 HIV/AIDS, \$5,500,000,000, to remain available until
3 September 30, 2013, which shall be apportioned directly
4 to the Department of State: *Provided*, That of the funds
5 appropriated under this paragraph, not less than
6 \$825,000,000 shall be made available, notwithstanding
7 any other provision of law, except for the United States
8 Leadership Against HIV/AIDS, Tuberculosis and Malaria
9 Act of 2003 (Public Law 108–25), as amended, for a
10 United States contribution to the Global Fund to Fight
11 AIDS, Tuberculosis and Malaria (Global Fund), and shall
12 be expended at the minimum rate necessary to make time-
13 ly payment for projects and activities: *Provided further*,
14 That up to 5 percent of the aggregate amount of funds
15 made available to the Global Fund in fiscal year 2011 may
16 be made available to USAID for technical assistance re-
17 lated to the activities of the Global Fund: *Provided further*,
18 That of the funds appropriated under this paragraph, up
19 to \$14,250,000 may be made available, in addition to
20 amounts otherwise available for such purposes, for admin-
21 istrative expenses of the Office of the United States Global
22 AIDS Coordinator: *Provided further*, That funds appro-
23 priated for HIV/AIDS programs and activities under this
24 paragraph in this Act and in prior acts making appropria-
25 tions for the Department of State, foreign operations, and

1 related programs shall be subject to the regular notifica-
2 tion procedures of the Committees on Appropriations, in-
3 cluding reprogramming requirements contained in sections
4 7015 and 7019 of this Act.

5 DEVELOPMENT ASSISTANCE

6 For necessary expenses to carry out the provisions
7 of sections 103, 105, 106, 214, and sections 251 through
8 255, and chapter 10 of part I of the Foreign Assistance
9 Act of 1961, \$2,767,700,000: *Provided*, That relevant bu-
10 reaus and offices of the United States Agency for Inter-
11 national Development (USAID) that support cross-cutting
12 development programs shall coordinate such programs on
13 a regular basis: *Provided further*, That funds appropriated
14 by this Act shall be made available for water and sanita-
15 tion supply projects pursuant to the Paul Simon Water
16 for the Poor Act of 2005 (Public Law 109–121): *Provided*
17 *further*, That funds appropriated by this Act for food secu-
18 rity and agricultural development programs may be made
19 available notwithstanding any other provision of law and
20 shall be made available for a United States contribution
21 to the endowment of the Global Crop Diversity Trust pur-
22 suant to section 3202 of Public Law 110–246: *Provided*
23 *further*, That the USAID Administrator should provide
24 grants and cooperative agreements for private voluntary
25 organizations and cooperatives to carry out agriculture,

1 rural development and related programs authorized under
2 the Foreign Assistance Act of 1961: *Provided further*,
3 That of the funds appropriated in this Act for food secu-
4 rity and agricultural development programs, up to
5 \$100,000,000 may be made available for payment by the
6 Secretary of the Treasury for a United States contribution
7 to a global food security fund: *Provided further*, That
8 funds appropriated under this heading shall be made avail-
9 able for programs to improve women's leadership capacity
10 in recipient countries.

11 INTERNATIONAL DISASTER ASSISTANCE

12 For necessary expenses to carry out the provisions
13 of section 491 of the Foreign Assistance Act of 1961 for
14 international disaster relief, rehabilitation, and recon-
15 struction assistance, \$851,000,000, to remain available
16 until expended.

17 TRANSITION INITIATIVES

18 For necessary expenses for international disaster re-
19 habilitation and reconstruction assistance pursuant to sec-
20 tion 491 of the Foreign Assistance Act of 1961,
21 \$55,000,000, to remain available until expended, to sup-
22 port transition to democracy and to long-term develop-
23 ment of countries in crisis: *Provided*, That such support
24 may include assistance to develop, strengthen, or preserve
25 democratic institutions and processes, revitalize basic in-

1 eign Assistance Act of 1961 shall be applicable to the
2 funds appropriated under the heading: *Provided further*,
3 That funds appropriated under this heading may be made
4 available on such terms and conditions as the USAID Ad-
5 ministrator may determine, in consultation with the Com-
6 mittees on Appropriations, for the purposes of preventing
7 or responding to such crises, except that no funds shall
8 be made available to respond to natural disasters: *Pro-*
9 *vided further*, That funds appropriated under this heading
10 shall be made available notwithstanding section 10 of Pub-
11 lic Law 91–672 and section 15 of the State Department
12 Basic Authorities Act of 1956: *Provided further*, That
13 funds appropriated under this heading may be made avail-
14 able notwithstanding any other provision of law, except
15 sections 7007, 7008, and 7018 of this Act and section
16 620M of the Foreign Assistance Act of 1961, as amended
17 by this Act: *Provided further*, That funds appropriated
18 under this heading shall be subject to the regular notifica-
19 tion procedures of the Committees on Appropriations, ex-
20 cept that such notifications shall be transmitted at least
21 5 days in advance of the obligation of funds: *Provided fur-*
22 *ther*, That the provisions of section 7015(e) of this Act
23 shall apply to funds made available under this heading.

1 DEVELOPMENT CREDIT AUTHORITY

2 (INCLUDING TRANSFER OF FUNDS)

3 For the cost of direct loans and loan guarantees pro-
4 vided by the United States Agency for International De-
5 velopment (USAID), as authorized by sections 256 and
6 635 of the Foreign Assistance Act of 1961, up to
7 \$35,000,000 may be derived by transfer from funds ap-
8 propriated by this Act to carry out part I of such Act and
9 under the heading “Assistance for Europe, Eurasia and
10 Central Asia”: *Provided*, That funds provided under this
11 paragraph and funds provided as a gift pursuant to sec-
12 tion 635(d) of the Foreign Assistance Act of 1961 shall
13 be made available only for micro and small enterprise pro-
14 grams, urban programs, and other programs which fur-
15 ther the purposes of part I of such Act: *Provided further*,
16 That such costs, including the cost of modifying such di-
17 rect and guaranteed loans, shall be as defined in section
18 502 of the Congressional Budget Act of 1974, as amend-
19 ed: *Provided further*, That funds made available by this
20 paragraph may be used for the cost of modifying any such
21 guaranteed loans under this Act or prior Acts, and funds
22 used for such costs shall be subject to the regular notifica-
23 tion procedures of the Committees on Appropriations: *Pro-*
24 *vided further*, That the provisions of section 107A(d) (re-
25 lating to general provisions applicable to the Development

1 Credit Authority) of the Foreign Assistance Act of 1961,
2 as contained in section 306 of H.R. 1486 as reported by
3 the House Committee on International Relations on May
4 9, 1997, shall be applicable to direct loans and loan guar-
5 antees provided under this heading: *Provided further*, That
6 these funds are available to subsidize total loan principal,
7 any portion of which is to be guaranteed, of up to
8 \$1,000,000,000.

9 In addition, for administrative expenses to carry out
10 credit programs administered by USAID, \$8,300,000,
11 which may be transferred to, and merged with, funds
12 made available under the heading “Operating Expenses”
13 in title II of this Act: *Provided*, That funds made available
14 under this heading shall remain available until September
15 30, 2013.

16 ECONOMIC SUPPORT FUND

17 (INCLUDING TRANSFER OF FUNDS)

18 For necessary expenses to carry out the provisions
19 of chapter 4 of part II of the Foreign Assistance Act of
20 1961, \$6,787,589,000: *Provided*, That of the funds appro-
21 priated under this heading, \$250,000,000 shall be avail-
22 able for assistance for Egypt, of which not less than
23 \$20,000,000 shall be made available for democracy,
24 human rights and governance programs, and not less than
25 \$35,000,000 shall be made available for education pro-

1 grams, of which not less than \$10,000,000 is for scholar-
2 ships for Egyptian students with high financial need: *Pro-*
3 *vided further*, That of the funds appropriated under this
4 heading, not more than \$400,400,000 may be made avail-
5 able for assistance for the West Bank and Gaza, except
6 that up to an additional \$9,300,000 may be made avail-
7 able for such assistance from funds appropriated for the
8 Middle East Partnership Initiative: *Provided further*, That
9 not more than \$200,000,000 of the funds provided for the
10 West Bank and Gaza shall be for cash transfer assistance:
11 *Provided further*, That funds appropriated under this
12 heading that are made available for assistance for Cyprus
13 shall be used only for scholarships, administrative support
14 of the scholarship program, bicommunal projects, and
15 measures aimed at reunification of the island and designed
16 to reduce tensions and promote peace and cooperation be-
17 tween the two communities on Cyprus: *Provided further*,
18 That \$12,000,000 of the funds made available for assist-
19 ance for Lebanon under this heading shall be for scholar-
20 ships for students in Lebanon with high financial need:
21 *Provided further*, That of the funds appropriated under
22 this heading, not less than \$360,000,000 shall be made
23 available for assistance for Jordan: *Provided further*, That
24 of the funds appropriated under this heading,
25 \$195,000,000 shall be apportioned directly to the United

1 States Agency for International Development for alter-
2 native development/institution building programs in Co-
3 lombia: *Provided further*, That of the funds appropriated
4 under this heading that are available for assistance for
5 Colombia, not less than \$8,000,000 shall be transferred
6 to, and merged with, funds appropriated under the head-
7 ing “Migration and Refugee Assistance” and shall be
8 made available only for assistance to nongovernmental and
9 international organizations that provide assistance to Co-
10 lombian refugees in neighboring countries.

11 DEMOCRACY FUND

12 For necessary expenses to carry out the provisions
13 of the Foreign Assistance Act of 1961 for the promotion
14 of democracy globally, \$115,000,000, of which
15 \$68,500,000 shall be made available for the Human
16 Rights and Democracy Fund of the Bureau of Democracy,
17 Human Rights and Labor, Department of State, and
18 \$46,500,000 shall be made available for the Office of De-
19 mocracy and Governance of the Bureau for Democracy,
20 Conflict, and Humanitarian Assistance, United States
21 Agency for International Development.

22 ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

23 For necessary expenses to carry out the provisions
24 of the Foreign Assistance Act of 1961, the FREEDOM
25 Support Act, and the Support for East European Democ-

1 racy (SEED) Act of 1989, \$709,000,000, to remain avail-
2 able until September 30, 2012, which shall be available,
3 notwithstanding any other provision of law, for assistance
4 and for related programs for countries identified in section
5 3 of the FREEDOM Support Act and section 3(c) of the
6 SEED Act: *Provided*, That funds appropriated under this
7 heading shall be considered to be economic assistance
8 under the Foreign Assistance Act of 1961 for purposes
9 of making available the administrative authorities con-
10 tained in that Act for the use of economic assistance: *Pro-*
11 *vided further*, That notwithstanding any provision of this
12 or any other Act, funds appropriated in prior years under
13 the headings “Independent States of the Former Soviet
14 Union” and similar headings and “Assistance for Eastern
15 Europe and the Baltic States” and similar headings, and
16 currencies generated by or converted from such funds,
17 shall be available for use in any country for which funds
18 are made available under this heading without regard to
19 the geographic limitations of the heading under which
20 such funds were originally appropriated: *Provided further*,
21 That funds made available for the Southern Caucasus re-
22 gion may be used for confidence-building measures and
23 other activities in furtherance of the peaceful resolution
24 of conflicts, including in Nagorno-Karabakh.

1 DEPARTMENT OF STATE

2 MIGRATION AND REFUGEE ASSISTANCE

3 For necessary expenses, not otherwise provided for,
4 to enable the Secretary of State to provide, as authorized
5 by law, a contribution to the International Committee of
6 the Red Cross, assistance to refugees, including contribu-
7 tions to the International Organization for Migration and
8 the United Nations High Commissioner for Refugees, and
9 other activities to meet refugee and migration needs; sala-
10 ries and expenses of personnel and dependents as author-
11 ized by the Foreign Service Act of 1980; allowances as
12 authorized by sections 5921 through 5925 of title 5,
13 United States Code; purchase and hire of passenger motor
14 vehicles; and services as authorized by section 3109 of title
15 5, United States Code, \$1,685,000,000, to remain avail-
16 able until expended, of which not less than \$25,000,000
17 shall be made available for refugees resettling in Israel,
18 and not less than \$35,000,000 shall be made available to
19 respond to small-scale emergency humanitarian require-
20 ments of international and nongovernmental partners.

21 UNITED STATES EMERGENCY REFUGEE AND MIGRATION

22 ASSISTANCE FUND

23 For necessary expenses to carry out the provisions
24 of section 2(c) of the Migration and Refugee Assistance
25 Act of 1962, as amended (22 U.S.C. 2601(c)),

1 \$45,000,000, to remain available until expended: *Pro-*
2 *vided*, That section 2(c) of the Migration and Refugee As-
3 sistance Act of 1962 (22 U.S.C. 2601(c)(2)) is amended
4 in paragraph (1) by striking “President” and inserting
5 “Secretary of State” and in paragraph (2) by striking
6 “\$100,000,000” and inserting “\$200,000,000”.

7 INDEPENDENT AGENCIES

8 PEACE CORPS

9 (INCLUDING TRANSFER OF FUNDS)

10 For necessary expenses to carry out the provisions
11 of the Peace Corps Act (22 U.S.C. 2501–2523), including
12 the purchase of not to exceed five passenger motor vehicles
13 for administrative purposes for use outside of the United
14 States, \$425,000,000, to remain available until September
15 30, 2012: *Provided*, That the Director of the Peace Corps
16 may transfer to the Foreign Currency Fluctuations Ac-
17 count, as authorized by 22 U.S.C. 2515, an amount not
18 to exceed \$5,000,000: *Provided further*, That funds trans-
19 ferred pursuant to the previous proviso may not be derived
20 from amounts made available for Peace Corps overseas op-
21 erations: *Provided further*, That of the funds appropriated
22 under this heading, not to exceed \$4,000 may be made
23 available for entertainment expenses: *Provided further*,
24 That any decision to open, close, significantly reduce, or
25 suspend a domestic or overseas office or country program

1 shall be subject to prior consultation with, and the regular
2 notification procedures of, the Committees on Appropria-
3 tions, except that prior consultation and regular notifica-
4 tion procedures may be waived when there is a substantial
5 security risk to volunteers or other Peace Corps personnel,
6 pursuant to section 7015(e) of this Act: *Provided further*,
7 That not later than 45 days after enactment of this Act,
8 the Director shall submit a spending plan to the Commit-
9 tees on Appropriations on the proposed uses of funds
10 under this heading: *Provided further*, That none of the
11 funds appropriated under this heading shall be used to
12 pay for abortions.

13 MILLENNIUM CHALLENGE CORPORATION

14 (INCLUDING TRANSFER OF FUNDS)

15 For necessary expenses to carry out the provisions
16 of the Millennium Challenge Act of 2003, \$1,105,000,000
17 to remain available until expended: *Provided*, That of the
18 funds appropriated under this heading, up to
19 \$105,000,000 may be available for administrative ex-
20 penses of the Millennium Challenge Corporation (the Cor-
21 poration): *Provided further*, That up to 10 percent of the
22 funds appropriated under this heading may be made avail-
23 able to carry out the purposes of section 616 of the Millen-
24 nium Challenge Act of 2003 for fiscal year 2011: *Provided*
25 *further*, That section 605(e)(4) of the Millennium Chal-

1 lenge Act of 2003 shall apply to funds appropriated under
2 this heading: *Provided further*, That funds appropriated
3 under this heading may be made available for a Millen-
4 nium Challenge Compact entered into pursuant to section
5 609 of the Millennium Challenge Act of 2003 only if such
6 Compact obligates, or contains a commitment to obligate
7 subject to the availability of funds and the mutual agree-
8 ment of the parties to the Compact to proceed, the entire
9 amount of the United States Government funding antici-
10 pated for the duration of the Compact: *Provided further*,
11 That the Chief Executive Officer of the Corporation shall
12 notify the Committees on Appropriations not later than
13 15 days prior to signing any new country compact or new
14 threshold country program; terminating or suspending any
15 country compact or threshold country program; or com-
16 mencing negotiations for any new compact or threshold
17 country program: *Provided further*, That funds appro-
18 priated by this Act or any prior Act appropriating funds
19 for the Department of State, foreign operations, and re-
20 lated programs that are made available for a Millennium
21 Challenge Compact and that are suspended or terminated
22 by the Chief Executive Officer of the Corporation shall
23 be subject to the regular notification procedures of the
24 Committees on Appropriations prior to re-obligation: *Pro-*
25 *vided further*, That of the funds appropriated under this

1 heading, not to exceed \$100,000 may be available for rep-
2 resentation and entertainment allowances, of which not to
3 exceed \$5,000 may be available for entertainment allow-
4 ances.

5 INTER-AMERICAN FOUNDATION

6 For necessary expenses to carry out the functions of
7 the Inter-American Foundation in accordance with the
8 provisions of section 401 of the Foreign Assistance Act
9 of 1969, \$24,500,000: *Provided*, That of the funds appro-
10 priated under this heading, not to exceed \$2,000 may be
11 available for entertainment and representation allowances.

12 AFRICAN DEVELOPMENT FOUNDATION

13 For necessary expenses to carry out title V of the
14 International Security and Development Cooperation Act
15 of 1980 (Public Law 96-533), \$30,500,000: *Provided*,
16 That funds made available to grantees may be invested
17 pending expenditure for project purposes when authorized
18 by the Board of Directors of the Foundation: *Provided fur-*
19 *ther*, That interest earned shall be used only for the pur-
20 poses for which the grant was made: *Provided further*,
21 That notwithstanding section 505(a)(2) of the African De-
22 velopment Foundation Act, in exceptional circumstances
23 the Board of Directors of the Foundation may waive the
24 \$250,000 limitation contained in that section with respect
25 to a project and a project may exceed the limitation by

1 up to 10 percent if the increase is due solely to foreign
2 currency fluctuation: *Provided further*, That the Founda-
3 tion shall provide a report to the Committees on Appro-
4 priations after each time such waiver authority is exer-
5 cised.

6 DEPARTMENT OF THE TREASURY

7 INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

8 For necessary expenses to carry out the provisions
9 of section 129 of the Foreign Assistance Act of 1961,
10 \$30,000,000, to remain available until September 30,
11 2013, which shall be available notwithstanding any other
12 provision of law.

13 DEBT RESTRUCTURING

14 For the cost, as defined in section 502 of the Con-
15 gressional Budget Act of 1974, of modifying loans and
16 loan guarantees, as the President may determine, for
17 which funds have been appropriated or otherwise made
18 available for programs within the International Affairs
19 Budget Function 150, including the cost of selling, reduc-
20 ing, or canceling amounts owed to the United States as
21 a result of concessional loans made to eligible countries,
22 pursuant to parts IV and V of the Foreign Assistance Act
23 of 1961, of modifying concessional credit agreements with
24 least developed countries, as authorized under section 411
25 of the Agricultural Trade Development and Assistance Act

1 of 1954, as amended, of concessional loans, guarantees
2 and credit agreements, as authorized under section 572
3 of the Foreign Operations, Export Financing, and Related
4 Programs Appropriations Act, 1989 (Public Law 100–
5 461), and of canceling amounts owed, as a result of loans
6 or guarantees made pursuant to the Export-Import Bank
7 Act of 1945, by countries that are eligible for debt reduc-
8 tion pursuant to title V of H.R. 3425 as enacted into law
9 by section 1000(a)(5) of Public Law 106–113,
10 \$56,000,000, to remain available until September 30,
11 2013: *Provided*, That not less than \$20,000,000 of the
12 funds appropriated under this heading shall be made avail-
13 able to carry out the provisions of part V of the Foreign
14 Assistance Act of 1961: *Provided further*, That up to
15 \$36,000,000 of the funds appropriated under this heading
16 may be for the United States share of an increase in the
17 resources of the Fund for Special Operations of the Inter-
18 American Development Bank in furtherance of providing
19 debt relief to Haiti in view of the Cancun Declaration of
20 March 21, 2010: *Provided further*, That amounts paid to
21 the Heavily Indebted Poor Countries (HIPC) Trust Fund
22 may be used only to fund debt reduction under the en-
23 hanced HIPC initiative by—

24 (1) the Inter-American Development Bank;

25 (2) the African Development Fund;

1 (3) the African Development Bank; and

2 (4) the Central American Bank for Economic
3 Integration:

4 *Provided further*, That funds may not be paid to the HIPC
5 Trust Fund for the benefit of any country if the Secretary
6 of State has credible evidence that the central government
7 of such country is engaged in a consistent pattern of gross
8 violations of internationally recognized human rights or in
9 military or civil conflict that undermines its ability to de-
10 velop and implement measures to alleviate poverty and to
11 devote adequate human and financial resources to that
12 end: *Provided further*, That on the basis of final appropri-
13 ations, the Secretary of the Treasury shall consult with the
14 Committees on Appropriations concerning which countries
15 and international financial institutions are expected to
16 benefit from a United States contribution to the HIPC
17 Trust Fund during the fiscal year: *Provided further*, That
18 the Secretary of the Treasury shall notify the Committees
19 on Appropriations not less than 15 days in advance of the
20 signature of an agreement by the United States to make
21 payments to the HIPC Trust Fund of amounts for such
22 countries and institutions: *Provided further*, That the Sec-
23 retary of the Treasury may disburse funds designated for
24 debt reduction through the HIPC Trust Fund only for the
25 benefit of countries that—

1 (1) have committed, for a period of 24 months,
2 not to accept new market-rate loans from the inter-
3 national financial institution receiving debt repay-
4 ment as a result of such disbursement, other than
5 loans made by such institutions to export-oriented
6 commercial projects that generate foreign exchange
7 which are generally referred to as “enclave” loans;
8 and

9 (2) have documented and demonstrated their
10 commitment to redirect their budgetary resources
11 from international debt repayments to programs to
12 alleviate poverty and promote economic growth that
13 are additional to or expand upon those previously
14 available for such purposes:

15 *Provided further,* That any limitation of subsection (e) of
16 section 411 of the Agricultural Trade Development and
17 Assistance Act of 1954 shall not apply to funds appro-
18 priated under this heading: *Provided further,* That none
19 of the funds made available under this heading in this or
20 any other appropriations Act shall be made available for
21 Sudan or Burma unless the Secretary of the Treasury de-
22 termines and notifies the Committees on Appropriations
23 that a democratically elected government has taken office.

1 TITLE IV
2 INTERNATIONAL SECURITY ASSISTANCE
3 DEPARTMENT OF STATE
4 INTERNATIONAL NARCOTICS CONTROL AND LAW
5 ENFORCEMENT
6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses to carry out section 481 of
8 the Foreign Assistance Act of 1961, \$1,590,000,000, to
9 remain available until September 30, 2012: *Provided*,
10 That during fiscal year 2011, the Department of State
11 may also use the authority of section 608 of the Foreign
12 Assistance Act of 1961, without regard to its restrictions,
13 to receive excess property from an agency of the United
14 States Government for the purpose of providing it to a
15 foreign country or international organization under chap-
16 ter 8 of part I of that Act subject to the regular notifica-
17 tion procedures of the Committees on Appropriations: *Pro-*
18 *vided further*, That the Secretary of State shall provide
19 to the Committees on Appropriations not later than 45
20 days after the date of enactment of this Act and prior
21 to the initial obligation of funds appropriated under this
22 heading, a report on the proposed uses of all funds under
23 this heading on a country-by-country basis for each pro-
24 posed program, project, or activity: *Provided further*, That
25 section 482(b) of the Foreign Assistance Act of 1961 shall

1 not apply to funds appropriated under this heading: *Pro-*
2 *vided further*, That assistance provided with funds appro-
3 priated under this heading that is made available notwith-
4 standing section 482(b) of the Foreign Assistance Act of
5 1961 shall be made available subject to the regular notifi-
6 cation procedures of the Committees on Appropriations:
7 *Provided further*, That of the funds appropriated under
8 this heading, \$5,000,000 should be made available to com-
9 bat piracy of United States copyrighted materials, con-
10 sistent with the requirements of section 688(a) and (b)
11 of the Department of State, Foreign Operations, and Re-
12 lated Programs Appropriations Act, 2008 (division J of
13 Public Law 110–161): *Provided further*, That of the funds
14 appropriated under this heading, \$15,000,000 shall be ap-
15 portioned directly to the United States Agency for Inter-
16 national Development (USAID) for institution building,
17 judicial reform, anti-corruption, rule of law activities, and
18 sustainable development programs in Mexico and may be
19 transferred to, and merged with, funds appropriated under
20 the heading “Economic Support Fund” to continue pro-
21 grams administered by USAID: *Provided further*, That
22 none of the funds appropriated under this heading for as-
23 sistance for Colombia shall be made available for budget
24 support or as cash payments: *Provided further*, That none
25 of the funds appropriated under this heading shall be

1 made available for assistance for the Bolivian military and
2 police unless the Secretary of State determines and re-
3 ports to the Committees on Appropriations that the Gov-
4 ernment of Bolivia is investigating, prosecuting, and pun-
5 ishing military and police personnel who have been
6 credibly alleged to have violated internationally recognized
7 human rights.

8 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND
9 RELATED PROGRAMS

10 For necessary expenses for nonproliferation, anti-ter-
11 rorism, demining and related programs and activities,
12 \$740,000,000, to carry out the provisions of chapter 8 of
13 part II of the Foreign Assistance Act of 1961 for anti-
14 terrorism assistance, chapter 9 of part II of the Foreign
15 Assistance Act of 1961, section 504 of the FREEDOM
16 Support Act, section 23 of the Arms Export Control Act
17 or the Foreign Assistance Act of 1961 for demining activi-
18 ties, the clearance of unexploded ordnance, the destruction
19 of small arms, and related activities, notwithstanding any
20 other provision of law, including activities implemented
21 through nongovernmental and international organizations,
22 and section 301 of the Foreign Assistance Act of 1961
23 for a voluntary contribution to the International Atomic
24 Energy Agency, and for a United States contribution to
25 the Comprehensive Nuclear Test Ban Treaty Preparatory

1 Commission: *Provided*, That of the funds made available
2 under this heading, not to exceed \$57,000,000, to remain
3 available until expended, may be made available for the
4 Nonproliferation and Disarmament Fund, notwith-
5 standing any other provision of law, to promote bilateral
6 and multilateral activities relating to nonproliferation, dis-
7 armament and weapons destruction: *Provided further*,
8 That such funds may also be used for such countries other
9 than the Independent States of the former Soviet Union
10 and international organizations when it is in the national
11 security interest of the United States to do so: *Provided*
12 *further*, That funds made available for the Nonprolifera-
13 tion and Disarmament Fund shall be subject to prior con-
14 sultation with, and the regular notification procedures of,
15 the Committees on Appropriations: *Provided further*, That
16 funds appropriated under this heading may be made avail-
17 able for the IAEA unless the Secretary of State deter-
18 mines that Israel is being denied its right to participate
19 in the activities of that Agency: *Provided further*, That of
20 the funds appropriated under this heading, not more than
21 \$500,000 may be made available for public-private part-
22 nerships for conventional weapons and mine action by
23 grant, cooperative agreement or contract: *Provided fur-*
24 *ther*, That of the funds made available for demining and
25 related activities, not to exceed \$700,000, in addition to

1 funds otherwise available for such purposes, may be used
2 for administrative expenses related to the operation and
3 management of the demining program: *Provided further*,
4 That funds appropriated under this heading that are avail-
5 able for “Anti-terrorism Assistance” and “Export Control
6 and Border Security” shall remain available until Sep-
7 tember 30, 2012.

8 PEACEKEEPING OPERATIONS

9 For necessary expenses to carry out the provisions
10 of section 551 of the Foreign Assistance Act of 1961,
11 \$305,000,000: *Provided*, That funds appropriated under
12 this heading may be used, notwithstanding section 660 of
13 such Act, to provide assistance to enhance the capacity
14 of foreign civilian security forces, including gendarmes, to
15 participate in peacekeeping operations: *Provided further*,
16 That of the funds appropriated under this heading, up to
17 \$81,918,000, to remain available until September 30,
18 2012, may be made available to pay assessed expenses of
19 international peacekeeping activities in Somalia, subject to
20 prior consultation with, and the regular notification proce-
21 dures of, the Committees on Appropriations, except that
22 such funds should not be made available unless the Sec-
23 retary of State reports to the Committees on Appropria-
24 tions that indiscriminate shelling and other abuses of civil-
25 ians by African Union Mission troops are being addressed:

1 *Provided further*, That funds appropriated under this
2 heading should not be used to support any military train-
3 ing or operations that include child soldiers: *Provided fur-*
4 *ther*, That of the funds appropriated under this heading,
5 not less than \$26,000,000 shall be made available for a
6 United States contribution to the Multinational Force and
7 Observers mission in the Sinai: *Provided further*, That
8 none of the funds appropriated under this heading shall
9 be obligated or expended except as provided through the
10 regular notification procedures of the Committees on Ap-
11 propriations.

12 FUNDS APPROPRIATED TO THE PRESIDENT

13 INTERNATIONAL MILITARY EDUCATION AND TRAINING

14 For necessary expenses to carry out the provisions
15 of section 541 of the Foreign Assistance Act of 1961,
16 \$107,000,000, of which up to \$3,500,000 may remain
17 available until expended and may only be provided through
18 the regular notification procedures of the Committees on
19 Appropriations: *Provided*, That the civilian personnel for
20 whom military education and training may be provided
21 under this heading may include civilians who are not mem-
22 bers of a government whose participation would contribute
23 to improved civil-military relations, civilian control of the
24 military, or respect for human rights: *Provided further*,
25 That funds made available under this heading for assist-

1 ance for Angola, Bangladesh, Cameroon, Central African
2 Republic, Chad, Côte d'Ivoire, Democratic Republic of the
3 Congo, Ethiopia, Guatemala, Guinea, Haiti, Indonesia,
4 Kenya, Libya, Nepal, Nigeria, and Sri Lanka may only
5 be provided through the regular notification procedures of
6 the Committees on Appropriations and any such notifica-
7 tion shall include a detailed description of proposed activi-
8 ties: *Provided further*, That of the funds appropriated
9 under this heading, not to exceed \$55,000 may be avail-
10 able for entertainment allowances.

11 FOREIGN MILITARY FINANCING PROGRAM

12 For necessary expenses for grants to enable the
13 President to carry out the provisions of section 23 of the
14 Arms Export Control Act, \$5,440,000,000: *Provided*,
15 That to expedite the provision of assistance to foreign
16 countries and international organizations, the Secretary of
17 State, following consultation with the Committees on Ap-
18 propriations and subject to the regular notification proce-
19 dures of such Committees, may use the funds appro-
20 priated under this heading to procure defense articles and
21 services to enhance the capacity of foreign security forces:
22 *Provided further*, That funds made available under this
23 heading may be used, notwithstanding any other provision
24 of law, for demining, the clearance of unexploded ord-
25 nance, and related activities, and may include activities

1 implemented through nongovernmental and international
2 organizations: *Provided further*, That of the funds appro-
3 priated under this heading, not less than \$3,000,000,000
4 shall be available for grants only for Israel, and not less
5 than \$1,300,000,000 shall be made available for grants
6 only for Egypt, including for border security programs and
7 activities in the Sinai: *Provided further*, That the funds
8 appropriated under this heading for assistance for Israel
9 shall be disbursed within 30 days of enactment of this Act:
10 *Provided further*, That to the extent that the Government
11 of Israel requests that funds be used for such purposes,
12 grants made available for Israel under this heading shall,
13 as agreed by the United States and Israel, be available
14 for advanced weapons systems, of which not less than
15 \$789,000,000 shall be available for the procurement in
16 Israel of defense articles and defense services, including
17 research and development: *Provided further*, That funds
18 appropriated under this heading estimated to be outlaid
19 for Egypt during fiscal year 2011 shall be transferred to
20 an interest bearing account for Egypt in the Federal Re-
21 serve Bank of New York within 30 days of enactment of
22 this Act: *Provided further*, That of the funds appropriated
23 under this heading, \$300,000,000 shall be made available
24 for assistance for Jordan: *Provided further*, That none of
25 the funds made available under this heading shall be made

1 available to support or continue any program initially
2 funded under the authority of section 1206 of the National
3 Defense Authorization Act for Fiscal Year 2006 (Public
4 Law 109–163; 119 Stat. 3456) unless the Secretary of
5 State, in coordination with the Secretary of Defense, has
6 justified such program to the Committees on Appropria-
7 tions: *Provided further*, That funds appropriated or other-
8 wise made available under this heading shall be nonrepay-
9 able notwithstanding any requirement in section 23 of the
10 Arms Export Control Act: *Provided further*, That funds
11 made available under this heading shall be obligated upon
12 apportionment in accordance with paragraph (5)(C) of
13 title 31, United States Code, section 1501(a).

14 None of the funds made available under this heading
15 shall be available to finance the procurement of defense
16 articles, defense services, or design and construction serv-
17 ices that are not sold by the United States Government
18 under the Arms Export Control Act unless the foreign
19 country proposing to make such procurement has first
20 signed an agreement with the United States Government
21 specifying the conditions under which such procurement
22 may be financed with such funds: *Provided*, That all coun-
23 try and funding level increases in allocations shall be sub-
24 mitted through the regular notification procedures of sec-
25 tion 7015 of this Act: *Provided further*, That none of the

1 funds appropriated under this heading may be made avail-
2 able for assistance for Nepal, Sri Lanka, Pakistan, Ban-
3 gladesh, Philippines, Indonesia, Bosnia and Herzegovina,
4 Haiti, Guatemala, Ethiopia, Cambodia, Kenya, Chad, and
5 the Democratic Republic of the Congo except pursuant to
6 the regular notification procedures of the Committees on
7 Appropriations: *Provided further*, That only those coun-
8 tries for which assistance was justified for the “Foreign
9 Military Sales Financing Program” in the fiscal year 1989
10 congressional presentation for security assistance pro-
11 grams may utilize funds made available under this heading
12 for procurement of defense articles, defense services or de-
13 sign and construction services that are not sold by the
14 United States Government under the Arms Export Con-
15 trol Act: *Provided further*, That funds appropriated under
16 this heading shall be expended at the minimum rate nec-
17 essary to make timely payment for defense articles and
18 services: *Provided further*, That not more than
19 \$56,583,000 of the funds appropriated under this heading
20 may be obligated for necessary expenses, including the
21 purchase of passenger motor vehicles for replacement only
22 for use outside of the United States, for the general costs
23 of administering military assistance and sales, except that
24 this limitation may be exceeded only through the regular
25 notification procedures of the Committees on Appropria-

1 tions: *Provided further*, That of the funds appropriated
2 under this heading for general costs of administering mili-
3 tary assistance and sales, not to exceed \$4,000 may be
4 available for entertainment expenses and not to exceed
5 \$130,000 may be available for representation allowances:
6 *Provided further*, That not more than \$749,597,000 of
7 funds realized pursuant to section 21(e)(1)(A) of the Arms
8 Export Control Act may be obligated for expenses incurred
9 by the Department of Defense during fiscal year 2011
10 pursuant to section 43(b) of the Arms Export Control Act,
11 except that this limitation may be exceeded only through
12 the regular notification procedures of the Committees on
13 Appropriations.

14 PAKISTAN COUNTERINSURGENCY CAPABILITY FUND

15 (INCLUDING TRANSFER OF FUNDS)

16 For necessary expenses to carry out the provisions
17 of chapter 8 of part I and chapters 2, 5, 6, and 8 of part
18 II of the Foreign Assistance Act of 1961 and section 23
19 of the Arms Export Control Act, \$1,000,000,000, to re-
20 main available until September 30, 2012, for the purpose
21 of providing assistance for Pakistan to build and maintain
22 the counterinsurgency capability of Pakistani security
23 forces (including the Frontier Corps), to include program
24 management, training in civil-military humanitarian as-
25 sistance, human rights training, and the provision of

1 equipment, supplies, services, training, and facility and in-
2 frastructure repair, renovation, and construction: *Pro-*
3 *vided*, That notwithstanding any other provision of law,
4 such funds shall be available to the Secretary of State,
5 with the concurrence of the Secretary of Defense: *Provided*
6 *further*, That such funds may be transferred by the Sec-
7 retary of State to the Department of Defense or other
8 Federal departments or agencies to support counterinsur-
9 gency operations and may be merged with, and be avail-
10 able, for the same purposes and for the same time period
11 as the appropriation or fund to which transferred or may
12 be transferred pursuant to the authorities contained in the
13 Foreign Assistance Act of 1961: *Provided further*, That
14 the Secretary of State shall, not fewer than 15 days prior
15 to making transfers from this appropriation, notify the
16 Committees on Appropriations, in writing, of the details
17 of any such transfer: *Provided further*, That the Secretary
18 of State shall submit not later than 30 days after the end
19 of each fiscal quarter to the Committees on Appropriations
20 a report in writing summarizing, on a project-by-project
21 basis, the uses of funds under this heading: *Provided fur-*
22 *ther*, That upon determination by the Secretary of State,
23 with the concurrence of the Secretary of Defense, that all
24 or part of the funds so transferred from this appropriation
25 are not necessary for the purposes herein, such amounts

1 may be transferred by the head of the relevant Federal
2 department or agency back to this appropriation and shall
3 be available for the same purposes and for the same time
4 period as originally appropriated: *Provided further*, That
5 any required notification or report may be submitted in
6 classified form.

7 TITLE V

8 MULTILATERAL ASSISTANCE

9 FUNDS APPROPRIATED TO THE PRESIDENT

10 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

11 For necessary expenses to carry out the provisions
12 of section 301 of the Foreign Assistance Act of 1961, and
13 of section 2 of the United Nations Environment Program
14 Participation Act of 1973, \$395,500,000: *Provided*, That
15 section 307(a) of the Foreign Assistance Act of 1961 shall
16 not apply to contributions to the United Nations Democ-
17 racy Fund.

18 INTERNATIONAL FINANCIAL INSTITUTIONS

19 GLOBAL ENVIRONMENT FACILITY

20 For payment to the International Bank for Recon-
21 struction and Development as trustee for the Global Envi-
22 ronment Facility by the Secretary of the Treasury,
23 \$143,750,000, to remain available until expended.

1 CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT
2 ASSOCIATION

3 For payment to the International Development Asso-
4 ciation by the Secretary of the Treasury, \$1,235,000,000,
5 to remain available until expended.

6 CONTRIBUTION TO THE CLEAN TECHNOLOGY FUND

7 For payment to the International Bank for Recon-
8 struction and Development as trustee for the Clean Tech-
9 nology Fund by the Secretary of the Treasury,
10 \$315,000,000, to remain available until expended.

11 CONTRIBUTION TO THE STRATEGIC CLIMATE FUND

12 For payment to the International Bank for Recon-
13 struction and Development as trustee for the Strategic
14 Climate Fund by the Secretary of the Treasury,
15 \$205,000,000, to remain available until expended.

16 GLOBAL FOOD SECURITY FUND

17 For payment as a contribution to a global food secu-
18 rity fund by the Secretary of the Treasury, \$215,000,000,
19 to remain available until expended.

20 CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT
21 BANK

22 For payment to the Inter-American Investment Cor-
23 poration by the Secretary of the Treasury, \$21,000,000,
24 to remain available until expended.

1 CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS
2 MULTILATERAL INVESTMENT FUND

3 For payment to the Enterprise for the Americas Mul-
4 tilateral Investment Fund by the Secretary of the Treas-
5 ury, \$25,000,000, to remain available until expended.

6 CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

7 For payment to the Asian Development Bank by the
8 Secretary of the Treasury for the United States share of
9 the paid-in portion of increase in capital stock,
10 \$106,586,000, to remain available until expended.

11 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

12 The United States Governor of the Asian Develop-
13 ment Bank may subscribe without fiscal year limitation
14 to the callable capital portion of the United States share
15 of such capital stock in an amount not to exceed
16 \$2,558,048,769.

17 CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

18 For payment to the Asian Development Bank's Asian
19 Development Fund by the Secretary of the Treasury,
20 \$77,000,000, to remain available until expended.

21 CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

22 For payment to the African Development Fund by
23 the Secretary of the Treasury, \$150,000,000, to remain
24 available until expended.

1 CONTRIBUTION TO THE INTERNATIONAL FUND FOR
2 AGRICULTURAL DEVELOPMENT

3 For payment to the International Fund for Agricul-
4 tural Development by the Secretary of the Treasury,
5 \$30,000,000, to remain available until expended.

6 TITLE VI
7 EXPORT AND INVESTMENT ASSISTANCE
8 EXPORT-IMPORT BANK OF THE UNITED STATES
9 OFFICE OF INSPECTOR GENERAL

10 For necessary expenses of the Office of Inspector
11 General in carrying out the provisions of the Inspector
12 General Act of 1978, as amended, \$3,000,000, to remain
13 available until September 30, 2012.

14 PROGRAM ACCOUNT

15 The Export-Import Bank of the United States is au-
16 thorized to make such expenditures within the limits of
17 funds and borrowing authority available to such corpora-
18 tion, and in accordance with law, and to make such con-
19 tracts and commitments without regard to fiscal year limi-
20 tations, as provided by section 104 of the Government
21 Corporation Control Act, as may be necessary in carrying
22 out the program for the current fiscal year for such cor-
23 poration: *Provided*, That none of the funds available dur-
24 ing the current fiscal year may be used to make expendi-
25 tures, contracts, or commitments for the export of nuclear

1 equipment, fuel, or technology to any country, other than
2 a nuclear-weapon state as defined in Article IX of the
3 Treaty on the Non-Proliferation of Nuclear Weapons eligi-
4 ble to receive economic or military assistance under this
5 Act, that has detonated a nuclear explosive after the date
6 of the enactment of this Act: *Provided further*, That the
7 use of the aggregate loan, guarantee, and insurance au-
8 thority available to the Export-Import Bank during the
9 current fiscal year should not result in greenhouse gas
10 emissions from the extraction or production of fossil fuels
11 and the use of fossil fuels in electricity generation exceed-
12 ing the total amount of such emissions resulting from the
13 use of such authority during fiscal year 2007, unless not
14 less than 15 days prior to the use of such authority the
15 Export-Import Bank provides written notification to the
16 Committees on Appropriations that the use of such au-
17 thority would result in greenhouse gas emissions exceeding
18 such amount and indicating the amount of the increase,
19 and posts such notification on the Bank's Web site: *Pro-*
20 *vided further*, That not less than 10 percent of such aggre-
21 gate should be used for renewable energy technology and
22 end-use energy efficiency technologies.

23

SUBSIDY APPROPRIATION

24 For the cost of direct loans, loan guarantees, insur-
25 ance, and tied-aid grants as authorized by section 10 of

1 the Export-Import Bank Act of 1945, as amended, not
2 to exceed \$82,000,000: *Provided*, That such costs, includ-
3 ing the cost of modifying such loans, shall be as defined
4 in section 502 of the Congressional Budget Act of 1974:
5 *Provided further*, That such funds shall remain available
6 until September 30, 2026, for the disbursement of direct
7 loans, loan guarantees, insurance and tied-aid grants obli-
8 gated in fiscal years 2011, 2012, 2013, and 2014: *Pro-*
9 *vided further*, That none of the funds appropriated by this
10 Act or any prior Acts appropriating funds for the Depart-
11 ment of State, foreign operations, and related programs
12 for tied-aid credits or grants may be used for any other
13 purpose except through the regular notification procedures
14 of the Committees on Appropriations: *Provided further*,
15 That funds appropriated by this paragraph are made
16 available notwithstanding section 2(b)(2) of the Export-
17 Import Bank Act of 1945, in connection with the purchase
18 or lease of any product by any Eastern European country,
19 any Baltic State or any agency or national thereof.

20 ADMINISTRATIVE EXPENSES

21 For administrative expenses to carry out the direct
22 and guaranteed loan and insurance programs, including
23 hire of passenger motor vehicles and services as authorized
24 by 5 U.S.C. 3109, and not to exceed \$30,000 for official
25 reception and representation expenses for members of the

1 Board of Directors, not to exceed \$99,000,000: *Provided*,
2 That the Export-Import Bank may accept, and use, pay-
3 ment or services provided by transaction participants for
4 legal, financial, or technical services in connection with
5 any transaction for which an application for a loan, guar-
6 antee or insurance commitment has been made: *Provided*
7 *further*, That project specific transaction costs, including
8 direct and indirect costs incurred in claims settlements,
9 and other costs for systems infrastructure directly sup-
10 porting transactions, shall not be considered administra-
11 tive expenses for the purposes of this heading: *Provided*
12 *further*, That notwithstanding subsection (b) of section
13 117 of the Export Enhancement Act of 1992, subsection
14 (a) thereof shall remain in effect until October 1, 2011.

15 RECEIPTS COLLECTED

16 Receipts collected pursuant to the Export-Import
17 Bank Act of 1945, as amended, and the Federal Credit
18 Reform Act of 1990, as amended, in an amount not to
19 exceed the amount appropriated herein, shall be credited
20 as offsetting collections to this account: *Provided*, That the
21 sums herein appropriated from the General Fund shall be
22 reduced on a dollar-for-dollar basis by such offsetting col-
23 lections so as to result in a final fiscal year appropriation
24 from the General Fund estimated at \$0: *Provided further*,
25 That amounts collected in fiscal year 2011 in excess of

1 obligations shall become available on September 1, 2011
2 and shall remain available until September 30, 2014.

3 OVERSEAS PRIVATE INVESTMENT CORPORATION

4 NONCREDIT ACCOUNT

5 The Overseas Private Investment Corporation is au-
6 thorized to make, without regard to fiscal year limitations,
7 as provided by 31 U.S.C. 9104, such expenditures and
8 commitments within the limits of funds available to it and
9 in accordance with law as may be necessary: *Provided*,
10 That the amount available for administrative expenses to
11 carry out the credit and insurance programs (including an
12 amount for official reception and representation expenses
13 which shall not exceed \$35,000) shall not exceed
14 \$53,946,000: *Provided further*, That project-specific trans-
15 action costs, including direct and indirect costs incurred
16 in claims settlements, and other direct costs associated
17 with services provided to specific investors or potential in-
18 vestors pursuant to section 234 of the Foreign Assistance
19 Act of 1961, shall not be considered administrative ex-
20 penses for the purposes of this heading.

21 PROGRAM ACCOUNT

22 For the cost of direct and guaranteed loans,
23 \$29,000,000, as authorized by section 234 of the Foreign
24 Assistance Act of 1961, to be derived by transfer from
25 the Overseas Private Investment Corporation Noncredit

1 Account: *Provided*, That such costs, including the cost of
2 modifying such loans, shall be as defined in section 502
3 of the Congressional Budget Act of 1974: *Provided fur-*
4 *ther*, That such sums shall be available for direct loan obli-
5 gations and loan guaranty commitments incurred or made
6 during fiscal years 2011, 2012, and 2013: *Provided fur-*
7 *ther*, That funds so obligated in fiscal year 2011 remain
8 available for disbursement through 2019; funds obligated
9 in fiscal year 2012 remain available for disbursement
10 through 2020; and funds obligated in fiscal year 2013 re-
11 main available for disbursement through 2021: *Provided*
12 *further*, That notwithstanding any other provision of law,
13 the Overseas Private Investment Corporation is authorized
14 to undertake any program authorized by title IV of the
15 Foreign Assistance Act of 1961 in Iraq: *Provided further*,
16 That funds made available pursuant to the authority of
17 the previous proviso shall be subject to the regular notifi-
18 cation procedures of the Committees on Appropriations.

19 In addition, such sums as may be necessary for ad-
20 ministrative expenses to carry out the credit program may
21 be derived from amounts available for administrative ex-
22 penses to carry out the credit and insurance programs in
23 the Overseas Private Investment Corporation Noncredit
24 Account and merged with said account.

1 FUNDS APPROPRIATED TO THE PRESIDENT

2 TRADE AND DEVELOPMENT AGENCY

3 For necessary expenses to carry out the provisions
4 of section 661 of the Foreign Assistance Act of 1961,
5 \$55,200,000, to remain available until September 30,
6 2012: *Provided*, That of the funds appropriated under this
7 heading, not more than \$4,000 may be available for rep-
8 resentation and entertainment allowances.

9 TITLE VII

10 GENERAL PROVISIONS

11 ALLOWANCES AND DIFFERENTIALS

12 SEC. 7001. Funds appropriated under title I of this
13 Act shall be available, except as otherwise provided, for
14 allowances and differentials as authorized by subchapter
15 59 of title 5, United States Code; for services as author-
16 ized by 5 U.S.C. 3109; and for hire of passenger transpor-
17 tation pursuant to 31 U.S.C. 1343(b).

18 UNOBLIGATED BALANCES REPORT

19 SEC. 7002. Any department or agency of the United
20 States Government to which funds are appropriated or
21 otherwise made available by this Act shall provide to the
22 Committees on Appropriations a quarterly accounting of
23 cumulative balances by program, project, and activity of
24 the funds received by such department or agency in this
25 fiscal year or any previous fiscal year that remain unobli-

1 gated and unexpended: *Provided*, That such report should
2 disaggregate such funds by fiscal year as soon as prac-
3 ticable.

4 CONSULTING SERVICES

5 SEC. 7003. The expenditure of any appropriation
6 under title I of this Act for any consulting service through
7 procurement contract, pursuant to 5 U.S.C. 3109, shall
8 be limited to those contracts where such expenditures are
9 a matter of public record and available for public inspec-
10 tion, except where otherwise provided under existing law,
11 or under existing Executive order issued pursuant to exist-
12 ing law.

13 EMBASSY CONSTRUCTION

14 SEC. 7004. (a) Of funds provided under title I of this
15 Act, except as provided in subsection (b), a project to con-
16 struct a diplomatic facility of the United States may not
17 include office space or other accommodations for an em-
18 ployee of a Federal agency or department if the Secretary
19 of State determines that such department or agency has
20 not provided to the Department of State the full amount
21 of funding required by subsection (e) of section 604 of
22 the Secure Embassy Construction and Counterterrorism
23 Act of 1999 (as enacted into law by section 1000(a)(7)
24 of Public Law 106–113 and contained in appendix G of
25 that Act; 113 Stat. 1501A–453), as amended by section

1 629 of the Departments of Commerce, Justice, and State,
2 the Judiciary, and Related Agencies Appropriations Act,
3 2005.

4 (b) Notwithstanding the prohibition in subsection (a),
5 a project to construct a diplomatic facility of the United
6 States may include office space or other accommodations
7 for members of the United States Marine Corps.

8 (c) Funds appropriated by this Act, and any prior
9 Act making appropriations for the Department of State,
10 foreign operations, and related programs, which may be
11 made available for the acquisition of property for diplo-
12 matic facilities in Afghanistan, Pakistan, and Iraq, shall
13 be subject to prior consultation with, and the regular noti-
14 fication procedures of, the Committees on Appropriations.

15 (d) None of the funds appropriated under the heading
16 “Embassy Security, Construction, and Maintenance” in
17 title I of this Act may be made available for construction
18 of the New London Embassy.

19 PERSONNEL ACTIONS

20 SEC. 7005. Any costs incurred by a department or
21 agency funded under title I of this Act resulting from per-
22 sonnel actions taken in response to funding reductions in-
23 cluded in this Act shall be absorbed within the total budg-
24 etary resources available under title I to such department
25 or agency: *Provided*, That the authority to transfer funds

1 between appropriations accounts as may be necessary to
2 carry out this section is provided in addition to authorities
3 included elsewhere in this Act: *Provided further*, That use
4 of funds to carry out this section shall be treated as a
5 reprogramming of funds under section 7015 of this Act
6 and shall not be available for obligation or expenditure ex-
7 cept in compliance with the procedures set forth in that
8 section.

9 LOCAL GUARD CONTRACTS

10 SEC. 7006. In evaluating proposals for local guard
11 contracts, the Secretary of State shall award contracts in
12 accordance with section 136 of the Foreign Relations Au-
13 thorization Act, Fiscal Years 1990 and 1991 (22 U.S.C.
14 4864), except that the Secretary may grant authorization
15 to award such contracts on the basis of best value as de-
16 termined by a cost-technical tradeoff analysis (as de-
17 scribed in Federal Acquisition Regulation part 15.101) in
18 Iraq, Afghanistan, and Pakistan, notwithstanding sub-
19 section (c)(3) of such section: *Provided*, That the authority
20 in this section shall apply to any options for renewal that
21 may be exercised under such contracts that are awarded
22 during the current fiscal year: *Provided further*, That prior
23 to issuing a solicitation for a contract to be awarded pur-
24 suant to the authority under this section, the Secretary

1 of State shall consult with the Committees on Appropria-
2 tions.

3 PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN
4 COUNTRIES

5 SEC. 7007. None of the funds appropriated or other-
6 wise made available pursuant to titles III through VI of
7 this Act shall be obligated or expended to finance directly
8 any assistance or reparations for the governments of
9 Cuba, North Korea, Iran, or Syria: *Provided*, That for
10 purposes of this section, the prohibition on obligations or
11 expenditures shall include direct loans, credits, insurance
12 and guarantees of the Export-Import Bank or its agents.

13 COUPS D'ÉTAT

14 SEC. 7008. None of the funds appropriated or other-
15 wise made available pursuant to titles III through VI of
16 this Act shall be obligated or expended to finance directly
17 any assistance to the government of any country whose
18 duly elected head of government is deposed by coup d'état
19 or decree: *Provided*, That assistance may be resumed to
20 such government if the President determines and certifies
21 to the Committees on Appropriations that subsequent to
22 the termination of assistance a democratically elected gov-
23 ernment has taken office: *Provided further*, That the provi-
24 sions of this section shall not apply to assistance to pro-
25 mote democratic elections or public participation in demo-

1 cratic processes: *Provided further*, That funds made avail-
2 able pursuant to the previous provisos shall be subject to
3 the regular notification procedures of the Committees on
4 Appropriations.

5 TRANSFER AUTHORITY

6 SEC. 7009. (a) DEPARTMENT OF STATE AND BROAD-
7 CASTING BOARD OF GOVERNORS.—

8 (1) Not to exceed 5 percent of any appropria-
9 tion made available for the current fiscal year for
10 the Department of State under title I of this Act
11 may be transferred between such appropriations, but
12 no such appropriation, except as otherwise specifi-
13 cally provided, shall be increased by more than 10
14 percent by any such transfers.

15 (2) Not to exceed 5 percent of any appropria-
16 tion made available for the current fiscal year for
17 the Broadcasting Board of Governors under title I
18 of this Act may be transferred between such appro-
19 priations, but no such appropriation, except as oth-
20 erwise specifically provided, shall be increased by
21 more than 10 percent by any such transfers.

22 (3) Any transfer pursuant to this section shall
23 be treated as a reprogramming of funds under sec-
24 tion 7015(a) and (b) of this Act and shall not be

1 available for obligation or expenditure except in com-
2 pliance with the procedures set forth in that section.

3 (b) EXPORT FINANCING TRANSFER AUTHORITIES.—

4 Not to exceed 5 percent of any appropriation other than
5 for administrative expenses made available for fiscal year
6 2011, for programs under title VI of this Act may be
7 transferred between such appropriations for use for any
8 of the purposes, programs, and activities for which the
9 funds in such receiving account may be used, but no such
10 appropriation, except as otherwise specifically provided,
11 shall be increased by more than 25 percent by any such
12 transfer: *Provided*, That the exercise of such authority
13 shall be subject to the regular notification procedures of
14 the Committees on Appropriations.

15 (c) LIMITATION ON TRANSFERS BETWEEN AGEN-
16 CIES.—

17 (1) None of the funds made available under ti-
18 tles II through V of this Act may be transferred to
19 any department, agency, or instrumentality of the
20 United States Government, except pursuant to a
21 transfer made by, or transfer authority provided in,
22 this Act or any other appropriation Act.

23 (2) Notwithstanding paragraph (1), in addition
24 to transfers made by, or authorized elsewhere in,
25 this Act, funds appropriated by this Act to carry out

1 the purposes of the Foreign Assistance Act of 1961
2 may be allocated or transferred to agencies of the
3 United States Government pursuant to the provi-
4 sions of sections 109, 610, and 632 of the Foreign
5 Assistance Act of 1961.

6 (3) Any agreement entered into by the United
7 States Agency for International Development
8 (USAID) or the Department of State with any de-
9 partment, agency, or instrumentality of the United
10 States Government pursuant to section 632(b) of the
11 Foreign Assistance Act of 1961 valued in excess of
12 \$1,000,000 and any agreement made pursuant to
13 section 632(a) of such Act, with funds appropriated
14 by this Act and prior Acts making appropriations
15 for the Department of State, foreign operations, and
16 related programs under the headings “Global Health
17 and Child Survival”, “Development Assistance”, and
18 “Economic Support Fund” shall be subject to the
19 regular notification procedures of the Committees on
20 Appropriations: *Provided*, That the requirement in
21 the previous sentence shall not apply to agreements
22 entered into between USAID and the Department of
23 State.

24 (d) TRANSFERS BETWEEN ACCOUNTS.—None of the
25 funds made available under titles II through V of this Act

1 may be obligated under an appropriation account to which
2 they were not appropriated, except for transfers specifi-
3 cally provided for in this Act, unless the President, not
4 less than 5 days prior to the exercise of any authority con-
5 tained in the Foreign Assistance Act of 1961 to transfer
6 funds, consults with and provides a written policy jus-
7 tification to the Committees on Appropriations.

8 (e) AUDIT OF INTER-AGENCY TRANSFERS.—Any
9 agreement for the transfer or allocation of funds appro-
10 priated by this Act, or prior Acts, entered into between
11 the Department of State or USAID and another agency
12 of the United States Government under the authority of
13 section 632(a) of the Foreign Assistance Act of 1961 or
14 any comparable provision of law, shall expressly provide
15 that the Inspector General for the agency receiving the
16 transfer or allocation of such funds shall perform periodic
17 program and financial audits of the use of such funds:
18 *Provided*, That funds transferred under such authority
19 may be made available for the cost of such audits.

20 REPORTING REQUIREMENT

21 SEC. 7010. The Secretary of State shall provide the
22 Committees on Appropriations, not later than April 1,
23 2011, and for each fiscal quarter, a report in writing on
24 the uses of funds made available under the headings “For-
25 eign Military Financing Program”, “International Mili-

1 tary Education and Training”, and “Peacekeeping Oper-
2 ations”: *Provided*, That such report shall include a de-
3 scription of the obligation and expenditure of funds, and
4 the specific country in receipt of, and the use or purpose
5 of the assistance provided by such funds.

6 AVAILABILITY OF FUNDS

7 SEC. 7011. No part of any appropriation contained
8 in this Act shall remain available for obligation after the
9 expiration of the current fiscal year unless expressly so
10 provided in this Act: *Provided*, That funds appropriated
11 for the purposes of chapters 1, 8, 11, and 12 of part I,
12 section 661, section 667, chapters 4, 5, 6, 8, and 9 of
13 part II of the Foreign Assistance Act of 1961, section 23
14 of the Arms Export Control Act, and funds provided under
15 the headings “Assistance for Europe, Eurasia and Central
16 Asia”, “Democracy Fund”, “Pakistan Counterinsurgency
17 Capability Fund”, and “Development Credit Authority”,
18 shall remain available for an additional 4 years from the
19 date on which the availability of such funds would other-
20 wise have expired, if such funds are initially obligated be-
21 fore the expiration of their respective periods of avail-
22 ability contained in this Act: *Provided further*, That not-
23 withstanding any other provision of this Act, any funds
24 made available for the purposes of chapter 1 of part I and
25 chapter 4 of part II of the Foreign Assistance Act of 1961

1 which are allocated or obligated for cash disbursements
2 in order to address balance of payments or economic policy
3 reform objectives, shall remain available until expended.

4 LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

5 SEC. 7012. No part of any appropriation provided
6 under titles III through VI in this Act shall be used to
7 furnish assistance to the government of any country which
8 is in default during a period in excess of one calendar year
9 in payment to the United States of principal or interest
10 on any loan made to the government of such country by
11 the United States pursuant to a program for which funds
12 are appropriated under this Act unless the President de-
13 termines, following consultations with the Committees on
14 Appropriations, that assistance for such country is in the
15 national interest of the United States.

16 PROHIBITION ON TAXATION OF UNITED STATES

17 ASSISTANCE

18 SEC. 7013. (a) PROHIBITION ON TAXATION.—None
19 of the funds appropriated under titles III through VI of
20 this Act may be made available to provide assistance for
21 a foreign country under a new bilateral agreement gov-
22 erning the terms and conditions under which such assist-
23 ance is to be provided unless such agreement includes a
24 provision stating that assistance provided by the United
25 States shall be exempt from taxation, or reimbursed, by

1 the foreign government, and the Secretary of State shall
2 expeditiously seek to negotiate amendments to existing bi-
3 lateral agreements, as necessary, to conform with this re-
4 quirement.

5 (b) REIMBURSEMENT OF FOREIGN TAXES.—An
6 amount equivalent to 200 percent of the total taxes as-
7 sessed during fiscal year 2011 on funds appropriated by
8 this Act by a foreign government or entity against com-
9 modities financed under United States assistance pro-
10 grams for which funds are appropriated by this Act, either
11 directly or through grantees, contractors and subcontrac-
12 tors shall be withheld from obligation from funds appro-
13 priated for assistance for fiscal year 2012 and allocated
14 for the central government of such country and for the
15 West Bank and Gaza program to the extent that the Sec-
16 retary of State certifies and reports in writing to the Com-
17 mittees on Appropriations that such taxes have not been
18 reimbursed to the Government of the United States.

19 (c) DE MINIMIS EXCEPTION.—Foreign taxes of a de
20 minimis nature shall not be subject to the provisions of
21 subsection (b).

22 (d) REPROGRAMMING OF FUNDS.—Funds withheld
23 from obligation for each country or entity pursuant to sub-
24 section (b) shall be reprogrammed for assistance to coun-
25 tries which do not assess taxes on United States assistance

1 or which have an effective arrangement that is providing
2 substantial reimbursement of such taxes.

3 (e) DETERMINATIONS.—

4 (1) The provisions of this section shall not
5 apply to any country or entity the Secretary of State
6 determines—

7 (A) does not assess taxes on United States
8 assistance or which has an effective arrange-
9 ment that is providing substantial reimburse-
10 ment of such taxes; or

11 (B) the foreign policy interests of the
12 United States outweigh the purpose of this sec-
13 tion to ensure that United States assistance is
14 not subject to taxation.

15 (2) The Secretary of State shall consult with
16 the Committees on Appropriations at least 15 days
17 prior to exercising the authority of this subsection
18 with regard to any country or entity.

19 (f) IMPLEMENTATION.—The Secretary of State shall
20 issue rules, regulations, or policy guidance, as appropriate,
21 to implement the prohibition against the taxation of assist-
22 ance contained in this section.

23 (g) DEFINITIONS.—As used in this section—

24 (1) the terms “taxes” and “taxation” refer to
25 value added taxes and customs duties imposed on

1 commodities financed with United States assistance
2 for programs for which funds are appropriated by
3 this Act; and

4 (2) the term “bilateral agreement” refers to a
5 framework bilateral agreement between the Govern-
6 ment of the United States and the government of
7 the country receiving assistance that describes the
8 privileges and immunities applicable to United
9 States foreign assistance for such country generally,
10 or an individual agreement between the Government
11 of the United States and such government that de-
12 scribes, among other things, the treatment for tax
13 purposes that will be accorded the United States as-
14 sistance provided under that agreement.

15 RESERVATIONS OF FUNDS

16 SEC. 7014. (a) Funds appropriated under titles II
17 through VI of this Act which are specifically designated
18 may be reprogrammed for other programs within the same
19 account notwithstanding the designation if compliance
20 with the designation is made impossible by operation of
21 any provision of this or any other Act: *Provided*, That any
22 such reprogramming shall be subject to the regular notifi-
23 cation procedures of the Committees on Appropriations:
24 *Provided further*, That assistance that is reprogrammed

1 pursuant to this subsection shall be made available under
2 the same terms and conditions as originally provided.

3 (b) In addition to the authority contained in sub-
4 section (a), the original period of availability of funds ap-
5 propriated by this Act and administered by the United
6 States Agency for International Development (USAID)
7 that are specifically designated for particular programs or
8 activities by this or any other Act shall be extended for
9 an additional fiscal year if the USAID Administrator de-
10 termines and reports promptly to the Committees on Ap-
11 propriations that the termination of assistance to a coun-
12 try or a significant change in circumstances makes it un-
13 likely that such designated funds can be obligated during
14 the original period of availability: *Provided*, That such des-
15 ignated funds that continue to be available for an addi-
16 tional fiscal year shall be obligated only for the purpose
17 of such designation.

18 (c) Ceilings and specifically designated funding levels
19 contained in this Act shall not be applicable to funds or
20 authorities appropriated or otherwise made available by
21 any subsequent Act unless such Act specifically so directs:
22 *Provided*, That specifically designated funding levels or
23 minimum funding requirements contained in any other
24 Act shall not be applicable to funds appropriated by this
25 Act.

1 REPROGRAMMING NOTIFICATION REQUIREMENTS

2 SEC. 7015. (a) None of the funds made available in
3 title I of this Act, or in prior appropriations Acts to the
4 agencies and departments funded by this Act that remain
5 available for obligation or expenditure in fiscal year 2011,
6 or provided from any accounts in the Treasury of the
7 United States derived by the collection of fees or of cur-
8 rency reflows or other offsetting collections, or made avail-
9 able by transfer, to the agencies and departments funded
10 by this Act, shall be available for obligation or expenditure
11 through a reprogramming of funds that: (1) creates new
12 programs; (2) eliminates a program, project, or activity;
13 (3) increases funds or personnel by any means for any
14 project or activity for which funds have been denied or
15 restricted; (4) relocates an office or employees; (5) closes
16 or opens a mission or post; (6) establishes, reorganizes,
17 or renames offices or bureaus; (7) reorganizes programs
18 or activities; or (8) contracts out or privatizes any func-
19 tions or activities presently performed by Federal employ-
20 ees; unless the Committees on Appropriations are notified
21 15 days in advance of such reprogramming of funds.

22 (b) For the purposes of providing the executive
23 branch with the necessary administrative flexibility, none
24 of the funds provided under title I of this Act, or provided
25 under previous appropriations Acts to the agency or de-

1 partment funded under title I of this Act that remain
2 available for obligation or expenditure in fiscal year 2011,
3 or provided from any accounts in the Treasury of the
4 United States derived by the collection of fees available
5 to the agency or department funded under title I of this
6 Act, shall be available for obligation or expenditure for ac-
7 tivities, programs, or projects through a reprogramming
8 of funds in excess of \$1,000,000 or 10 percent, whichever
9 is less, that: (1) augments existing programs, projects, or
10 activities; (2) reduces by 10 percent funding for any exist-
11 ing program, project, or activity, or numbers of personnel
12 by 10 percent as approved by Congress; or (3) results from
13 any general savings, including savings from a reduction
14 in personnel, which would result in a change in existing
15 programs, activities, or projects as approved by Congress;
16 unless the Committees on Appropriations are notified 15
17 days in advance of such reprogramming of funds.

18 (c) For the purposes of providing the executive
19 branch with the necessary administrative flexibility, none
20 of the funds made available under titles II through VI in
21 this Act under the headings “Global Health and Child
22 Survival”, “Development Assistance”, “International Or-
23 ganizations and Programs”, “Trade and Development
24 Agency”, “International Narcotics Control and Law En-
25 forcement”, “Assistance for Europe, Eurasia and Central

1 Asia”, “Economic Support Fund”, “Democracy Fund”,
2 “Peacekeeping Operations”, “Capital Investment Fund”,
3 “Operating Expenses”, “Civilian Stabilization Initiative”,
4 “Office of Inspector General”, “Nonproliferation, Anti-
5 terrorism, Demining and Related Programs”, “Millen-
6 nium Challenge Corporation”, “Foreign Military Financ-
7 ing Program”, “International Military Education and
8 Training”, and “Peace Corps”, shall be available for obli-
9 gation for activities, programs, projects, type of materiel
10 assistance, countries, or other operations not justified or
11 in excess of the amount justified to the Committees on
12 Appropriations for obligation under any of these specific
13 headings unless the Committees on Appropriations are no-
14 tified 15 days in advance: *Provided*, That the President
15 shall not enter into any commitment of funds appropriated
16 for the purposes of section 23 of the Arms Export Control
17 Act for the provision of major defense equipment, other
18 than conventional ammunition, or other major defense
19 items defined to be aircraft, ships, missiles, or combat ve-
20 hicles, not previously justified to Congress or 20 percent
21 in excess of the quantities justified to Congress unless the
22 Committees on Appropriations are notified 15 days in ad-
23 vance of such commitment: *Provided further*, That require-
24 ments of this subsection or any similar provision of this
25 or any other Act shall not apply to any reprogramming

1 for an activity, program, or project for which funds are
2 appropriated under titles II through IV of this Act of less
3 than 10 percent of the amount previously justified to the
4 Congress for obligation for such activity, program, or
5 project for the current fiscal year.

6 (d) Notwithstanding any other provision of law, with
7 the exception of funds transferred to, and merged with,
8 funds appropriated under title I of this Act, funds trans-
9 ferred by the Department of Defense to the Department
10 of State and the United States Agency for International
11 Development for assistance for foreign countries and
12 international organizations (including for infrastructure
13 projects in Afghanistan), and funds made available for
14 programs authorized by section 1206 of the National De-
15 fense Authorization Act for Fiscal Year 2006 (Public Law
16 109–163), shall be subject to the regular notification pro-
17 cedures of the Committees on Appropriations.

18 (e) The requirements of this section or any similar
19 provision of this Act or any other Act, including any prior
20 Act requiring notification in accordance with the regular
21 notification procedures of the Committees on Appropria-
22 tions, may be waived if failure to do so would pose a sub-
23 stantial risk to human health or welfare: *Provided*, That
24 in case of any such waiver, notification to the Committees
25 on Appropriations shall be provided as early as prac-

1 ticable, but in no event later than 3 days after taking the
2 action to which such notification requirement was applica-
3 ble, in the context of the circumstances necessitating such
4 waiver: *Provided further*, That any notification provided
5 pursuant to such a waiver shall contain an explanation
6 of the emergency circumstances.

7 (f) None of the funds appropriated under titles III
8 through VI of this Act shall be obligated or expended for
9 assistance for Serbia, Sudan, Zimbabwe, Afghanistan,
10 Pakistan, Dominican Republic, Cuba, Iran, Haiti, Libya,
11 Ethiopia, Nepal, Colombia, Burma, Yemen, Mexico,
12 Kazakhstan, Somalia, Sri Lanka, or Cambodia and coun-
13 tries listed in section 7044(e)(3) of this Act except as pro-
14 vided through the regular notification procedures of the
15 Committees on Appropriations.

16 NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

17 SEC. 7016. Prior to providing excess Department of
18 Defense articles in accordance with section 516(a) of the
19 Foreign Assistance Act of 1961, the Department of De-
20 fense shall notify the Committees on Appropriations to the
21 same extent and under the same conditions as other com-
22 mittees pursuant to subsection (f) of that section: *Pro-*
23 *vided*, That before issuing a letter of offer to sell excess
24 defense articles under the Arms Export Control Act, the
25 Department of Defense shall notify the Committees on

1 Appropriations in accordance with the regular notification
2 procedures of such Committees if such defense articles are
3 significant military equipment (as defined in section 47(9)
4 of the Arms Export Control Act) or are valued (in terms
5 of original acquisition cost) at \$7,000,000 or more, or if
6 notification is required elsewhere in this Act for the use
7 of appropriated funds for specific countries that would re-
8 ceive such excess defense articles: *Provided further*, That
9 such Committees shall also be informed of the original ac-
10 quisition cost of such defense articles.

11 LIMITATION ON AVAILABILITY OF FUNDS FOR
12 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

13 SEC. 7017. Subject to the regular notification proce-
14 dures of the Committees on Appropriations, funds appro-
15 priated under titles III through VI of this Act and prior
16 Acts making appropriations for the Department of State,
17 foreign operations, and related programs, which are re-
18 turned or not made available for organizations and pro-
19 grams because of the implementation of section 307(a) of
20 the Foreign Assistance Act of 1961, shall remain available
21 for obligation until September 30, 2012.

22 PROHIBITION ON FUNDING FOR ABORTIONS AND
23 INVOLUNTARY STERILIZATION

24 SEC. 7018. None of the funds made available to carry
25 out part I of the Foreign Assistance Act of 1961, as

1 amended, may be used to pay for the performance of abor-
2 tions as a method of family planning or to motivate or
3 coerce any person to practice abortions. None of the funds
4 made available to carry out part I of the Foreign Assist-
5 ance Act of 1961, as amended, may be used to pay for
6 the performance of involuntary sterilization as a method
7 of family planning or to coerce or provide any financial
8 incentive to any person to undergo sterilizations. None of
9 the funds made available to carry out part I of the Foreign
10 Assistance Act of 1961, as amended, may be used to pay
11 for any biomedical research which relates in whole or in
12 part, to methods of, or the performance of, abortions or
13 involuntary sterilization as a means of family planning.
14 None of the funds made available to carry out part I of
15 the Foreign Assistance Act of 1961, as amended, may be
16 obligated or expended for any country or organization if
17 the President certifies that the use of these funds by any
18 such country or organization would violate any of the
19 above provisions related to abortions and involuntary steri-
20 lizations.

21 ALLOCATIONS

22 SEC. 7019. (a) Funds provided in this Act for the
23 following accounts shall be made available for programs
24 and countries in the amounts contained in the respective

1 tables included in the explanatory statement accom-
2 panying this Act:

3 “Diplomatic and Consular Programs”;

4 “Educational and Cultural Exchange Pro-
5 grams”;

6 “International Fisheries Commissions”;

7 “International Broadcasting Operations”;

8 “Operating Expenses”;

9 “Global Health and Child Survival”;

10 “Development Assistance”;

11 “Democracy Fund”;

12 “Economic Support Fund”;

13 “Assistance for Europe, Eurasia and Central
14 Asia”;

15 “International Narcotics Control and Law En-
16 forcement”;

17 “Nonproliferation, Anti-terrorism, Demining
18 and Related Programs”;

19 “Peacekeeping Operations”;

20 “International Military Education and Train-
21 ing”;

22 “Foreign Military Financing Program”; and

23 “International Organizations and Programs”.

24 (b) For the purposes of implementing this section and
25 only with respect to the tables included in the explanatory

1 statement accompanying this Act, the Secretary of State,
2 the Administrator of the United States Agency for Inter-
3 national Development and the Broadcasting Board of Gov-
4 ernors, as appropriate, may propose deviations to the
5 amounts referenced in subsection (a), subject to the reg-
6 ular notification procedures of the Committees on Appro-
7 priations.

8 (c) The requirements contained in subsection (a)
9 shall apply to the tables under the headings “Bilateral
10 Economic Assistance” and “General Provisions” in the ex-
11 planatory statement.

12 (d) For the purposes of division K of this Act and
13 unless otherwise specified, the term “explanatory state-
14 ment” shall mean the matter in division K of the explana-
15 tory statement described in section 4 (in the matter pre-
16 ceding division A of this consolidated Act).

17 PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

18 SEC. 7020. None of the funds appropriated or other-
19 wise made available by this Act under the headings “Inter-
20 national Military Education and Training” or “Foreign
21 Military Financing Program” for Informational Program
22 activities or under the headings “Global Health and Child
23 Survival”, “Development Assistance”, and “Economic
24 Support Fund” may be obligated or expended to pay for—

25 (1) alcoholic beverages; or

1 (2) entertainment expenses for activities that
2 are substantially of a recreational character, includ-
3 ing but not limited to entrance fees at sporting
4 events, theatrical and musical productions, and
5 amusement parks.

6 PROHIBITION ON ASSISTANCE TO GOVERNMENTS

7 SUPPORTING INTERNATIONAL TERRORISM

8 SEC. 7021. (a) LETHAL MILITARY EQUIPMENT EX-
9 PORTS.—

10 (1) None of the funds appropriated or otherwise
11 made available by titles III through VI of this Act
12 may be available to any foreign government which
13 provides lethal military equipment to a country the
14 government of which the Secretary of State has de-
15 termined supports international terrorism for pur-
16 poses of section 6(j) of the Export Administration
17 Act of 1979: *Provided*, That the prohibition under
18 this section with respect to a foreign government
19 shall terminate 12 months after that government
20 ceases to provide such military equipment: *Provided*
21 *further*, That this section applies with respect to le-
22 thal military equipment provided under a contract
23 entered into after October 1, 1997.

24 (2) Assistance restricted by paragraph (1) or
25 any other similar provision of law, may be furnished

1 if the President determines that to do so is impor-
2 tant to the national interests of the United States.

3 (3) Whenever the President makes a determina-
4 tion pursuant to paragraph (2), the President shall
5 submit to the Committees on Appropriations a re-
6 port with respect to the furnishing of such assist-
7 ance, including a detailed explanation of the assist-
8 ance to be provided, the estimated dollar amount of
9 such assistance, and an explanation of how the as-
10 sistance furthers United States national interests.

11 (b) BILATERAL ASSISTANCE.—

12 (1) Funds appropriated for bilateral assistance
13 in titles III through VI of this Act and funds appro-
14 priated under any such title in prior acts making ap-
15 propriations for the Department of State, foreign
16 operations, and related programs, shall not be made
17 available to any foreign government which the Presi-
18 dent determines—

19 (A) grants sanctuary from prosecution to
20 any individual or group which has committed
21 an act of international terrorism; or

22 (B) otherwise supports international ter-
23 rorism.

24 (2) The President may waive the application of
25 paragraph (1) to a government if the President de-

1 opment Agency”, may be obligated and expended notwith-
2 standing section 10 of Public Law 91–672, section 15 of
3 the State Department Basic Authorities Act of 1956, sec-
4 tion 313 of the Foreign Relations Authorization Act, Fis-
5 cal Years 1994 and 1995 (Public Law 103–236), and sec-
6 tion 504(a)(1) of the National Security Act of 1947 (50
7 U.S.C. 414(a)(1)).

8 DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

9 SEC. 7024. For the purpose of titles II through VI
10 of this Act “program, project, and activity” shall be de-
11 fined at the appropriations Act account level and shall in-
12 clude all appropriations and authorizations Acts funding
13 directives, ceilings, and limitations with the exception that
14 for the following accounts: “Economic Support Fund” and
15 “Foreign Military Financing Program”, “program,
16 project, and activity” shall also be considered to include
17 country, regional, and central program level funding with-
18 in each such account; for the development assistance ac-
19 counts of the United States Agency for International De-
20 velopment “program, project, and activity” shall also be
21 considered to include central, country, regional, and pro-
22 gram level funding, either as: (1) justified to the Congress;
23 or (2) allocated by the executive branch in accordance with
24 a report, to be provided to the Committees on Appropria-
25 tions within 30 days of the enactment of this Act, as re-

1 quired by section 653(a) of the Foreign Assistance Act
2 of 1961.

3 AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN
4 FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

5 SEC. 7025. Unless expressly provided to the contrary,
6 provisions of this or any other Act, including provisions
7 contained in prior Acts authorizing or making appropria-
8 tions for the Department of State, foreign operations, and
9 related programs, shall not be construed to prohibit activi-
10 ties authorized by or conducted under the Peace Corps
11 Act, the Inter-American Foundation Act or the African
12 Development Foundation Act: *Provided*, That the agency
13 shall promptly report to the Committees on Appropria-
14 tions whenever it is conducting activities or is proposing
15 to conduct activities in a country for which assistance is
16 prohibited.

17 COMMERCE, TRADE AND SURPLUS COMMODITIES

18 SEC. 7026. (a) None of the funds appropriated or
19 made available pursuant to titles III through VI of this
20 Act for direct assistance and none of the funds otherwise
21 made available to the Export-Import Bank and the Over-
22 seas Private Investment Corporation shall be obligated or
23 expended to finance any loan, any assistance or any other
24 financial commitments for establishing or expanding pro-
25 duction of any commodity for export by any country other

1 than the United States, if the commodity is likely to be
2 in surplus on world markets at the time the resulting pro-
3 ductive capacity is expected to become operative and if the
4 assistance will cause substantial injury to United States
5 producers of the same, similar, or competing commodity:
6 *Provided*, That such prohibition shall not apply to the Ex-
7 port-Import Bank if in the judgment of its Board of Direc-
8 tors the benefits to industry and employment in the
9 United States are likely to outweigh the injury to United
10 States producers of the same, similar, or competing com-
11 modity, and the Chairman of the Board so notifies the
12 Committees on Appropriations.

13 (b) None of the funds appropriated by this or any
14 other Act to carry out chapter 1 of part I of the Foreign
15 Assistance Act of 1961 shall be available for any testing
16 or breeding feasibility study, variety improvement or intro-
17 duction, consultancy, publication, conference, or training
18 in connection with the growth or production in a foreign
19 country of an agricultural commodity for export which
20 would compete with a similar commodity grown or pro-
21 duced in the United States: *Provided*, That this subsection
22 shall not prohibit—

23 (1) activities designed to increase food security
24 in developing countries where such activities will not

1 have a significant impact on the export of agricul-
2 tural commodities of the United States; or

3 (2) research activities intended primarily to
4 benefit American producers.

5 (c)(1) The Secretary of the Treasury shall instruct
6 the United States executive directors of the international
7 financial institutions to use the voice and vote of the
8 United States to oppose any assistance by such institu-
9 tions, using funds appropriated or made available pursu-
10 ant to titles III through VI of this Act, for the production
11 or extraction of any commodity or mineral for export, if
12 it is in surplus on world markets and if the assistance
13 will cause substantial injury to United States producers
14 of the same, similar, or competing commodity.

15 (2) For the purposes of this Act the term “inter-
16 national financial institutions” shall mean the Inter-
17 national Bank for Reconstruction and Development, the
18 International Development Association, the International
19 Finance Corporation, the Inter-American Development
20 Bank, the International Monetary Fund, the Asian Devel-
21 opment Bank, the Asian Development Fund, the Inter-
22 American Investment Corporation, the North American
23 Development Bank, the European Bank for Reconstruc-
24 tion and Development, the African Development Bank,
25 and the African Development Fund.

1 SEPARATE ACCOUNTS

2 SEC. 7027. (a) SEPARATE ACCOUNTS FOR LOCAL
3 CURRENCIES.—

4 (1) If assistance is furnished to the government
5 of a foreign country under chapters 1 and 10 of part
6 I or chapter 4 of part II of the Foreign Assistance
7 Act of 1961 under agreements which result in the
8 generation of local currencies of that country, the
9 Administrator of the United States Agency for
10 International Development (USAID) shall—

11 (A) require that local currencies be depos-
12 ited in a separate account established by that
13 government;

14 (B) enter into an agreement with that gov-
15 ernment which sets forth—

16 (i) the amount of the local currencies
17 to be generated; and

18 (ii) the terms and conditions under
19 which the currencies so deposited may be
20 utilized, consistent with this section; and

21 (C) establish by agreement with that gov-
22 ernment the responsibilities of USAID and that
23 government to monitor and account for deposits
24 into and disbursements from the separate ac-
25 count.

1 (2) USES OF LOCAL CURRENCIES.—As may be
2 agreed upon with the foreign government, local cur-
3 rencies deposited in a separate account pursuant to
4 subsection (a), or an equivalent amount of local cur-
5 rencies, shall be used only—

6 (A) to carry out chapter 1 or 10 of part
7 I or chapter 4 of part II of the Foreign Assist-
8 ance Act of 1961 (as the case may be), for such
9 purposes as—

10 (i) project and sector assistance activi-
11 ties; or

12 (ii) debt and deficit financing; or

13 (B) for the administrative requirements of
14 the United States Government.

15 (3) PROGRAMMING ACCOUNTABILITY.—USAID
16 shall take all necessary steps to ensure that the
17 equivalent of the local currencies disbursed pursuant
18 to subsection (a)(2)(A) from the separate account
19 established pursuant to subsection (a)(1) are used
20 for the purposes agreed upon pursuant to subsection
21 (a)(2).

22 (4) TERMINATION OF ASSISTANCE PRO-
23 GRAMS.—Upon termination of assistance to a coun-
24 try under chapter 1 or 10 of part I or chapter 4 of
25 part II of the Foreign Assistance Act of 1961 (as

1 the case may be), any unencumbered balances of
2 funds which remain in a separate account estab-
3 lished pursuant to subsection (a) shall be disposed of
4 for such purposes as may be agreed to by the gov-
5 ernment of that country and the United States Gov-
6 ernment.

7 (5) REPORTING REQUIREMENT.—The USAID
8 Administrator shall report on an annual basis as
9 part of the justification documents submitted to the
10 Committees on Appropriations on the use of local
11 currencies for the administrative requirements of the
12 United States Government as authorized in sub-
13 section (a)(2)(B), and such report shall include the
14 amount of local currency (and United States dollar
15 equivalent) used and/or to be used for such purpose
16 in each applicable country.

17 (b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

18 (1) If assistance is made available to the gov-
19 ernment of a foreign country, under chapter 1 or 10
20 of part I or chapter 4 of part II of the Foreign As-
21 sistance Act of 1961, as cash transfer assistance or
22 as nonproject sector assistance, that country shall be
23 required to maintain such funds in a separate ac-
24 count and not commingle them with any other
25 funds.

1 (2) APPLICABILITY OF OTHER PROVISIONS OF
2 LAW.—Such funds may be obligated and expended
3 notwithstanding provisions of law which are incon-
4 sistent with the nature of this assistance including
5 provisions which are referenced in the Joint Explan-
6 atory Statement of the Committee of Conference ac-
7 companying House Joint Resolution 648 (House Re-
8 port No. 98–1159).

9 (3) NOTIFICATION.—At least 15 days prior to
10 obligating any such cash transfer or nonproject sec-
11 tor assistance, the President shall submit a notifica-
12 tion through the regular notification procedures of
13 the Committees on Appropriations, which shall in-
14 clude a detailed description of how the funds pro-
15 posed to be made available will be used, with a dis-
16 cussion of the United States interests that will be
17 served by the assistance (including, as appropriate,
18 a description of the economic policy reforms that will
19 be promoted by such assistance).

20 (4) EXEMPTION.—Nonproject sector assistance
21 funds may be exempt from the requirements of sub-
22 section (b)(1) only through the regular notification
23 procedures of the Committees on Appropriations.

1 ASSISTANCE FOR NONGOVERNMENTAL ORGANIZATIONS

2 SEC. 7028. (a) Section 123 of the Foreign Assistance
3 Act of 1961 (22 U.S.C. 2151u) is amended at the end
4 by adding the following new subsection:

5 “(i)(1) Restrictions contained in this or any other Act
6 with respect to assistance for a country shall not be con-
7 strued to restrict assistance in support of programs of
8 nongovernmental organizations from—

9 “(A) funds made available to carry out this
10 chapter and chapters 10, 11, and 12 of part I and
11 chapter 4 of part II; or

12 “(B) funds made available for economic assist-
13 ance activities under the Support for East European
14 Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et
15 seq.).

16 “(2) The President shall submit to Congress, in ac-
17 cordance with section 634A, advance notice of an intent
18 to obligate funds under the authority of this subsection
19 to furnish assistance in support of programs of nongovern-
20 mental organizations.

21 “(3) Assistance may not be furnished through non-
22 governmental organizations to the central government of
23 a country under the authority of this subsection, but as-
24 sistance may be furnished to local, district, or subnational
25 government entities under such authority.”.

1 “(4) EXCEPTION.—This subsection shall not apply—

2 “(A) with respect to section 620A of this Act
3 or any comparable provision of law prohibiting as-
4 sistance to countries that support international ter-
5 rorism; or

6 “(B) with respect to section 116 of this Act or
7 any comparable provision of law prohibiting assist-
8 ance to the government of a country that violates
9 internationally recognized human rights.”.

10 (b) PUBLIC LAW 480.—During fiscal year 2011, re-
11 strictions contained in this or any other Act with respect
12 to assistance for a country shall not be construed to re-
13 strict assistance under the Agricultural Trade Develop-
14 ment and Assistance Act of 1954: *Provided*, That none
15 of the funds appropriated to carry out title I of such Act
16 and made available pursuant to this subsection may be
17 obligated or expended except as provided through the reg-
18 ular notification procedures of the Committees on Appro-
19 priations.

20 IMPACT ON JOBS IN THE UNITED STATES

21 SEC. 7029. None of the funds appropriated under ti-
22 tles III through VI of this Act may be obligated or ex-
23 pended to provide—

24 (1) any financial incentive to a business enter-
25 prise currently located in the United States for the

1 purpose of inducing such an enterprise to relocate
2 outside the United States if such incentive or in-
3 ducement is likely to reduce the number of employ-
4 ees of such business enterprise in the United States
5 because United States production is being replaced
6 by such enterprise outside the United States; or

7 (2) assistance for any program, project, or ac-
8 tivity that contributes to the violation of internation-
9 ally recognized workers rights, as defined in section
10 507(4) of the Trade Act of 1974, of workers in the
11 recipient country, including any designated zone or
12 area in that country: *Provided*, That the application
13 of section 507(4)(D) and (E) of such Act should be
14 commensurate with the level of development of the
15 recipient country and sector, and shall not preclude
16 assistance for the informal sector in such country,
17 micro and small-scale enterprise, and smallholder
18 agriculture.

19 INTERNATIONAL FINANCIAL INSTITUTIONS

20 SEC. 7030. (a) None of the funds appropriated in
21 title V of this Act may be made as payment to any inter-
22 national financial institution while the United States exec-
23 utive director to such institution is compensated by the
24 institution at a rate which, together with whatever com-
25 pensation such executive director receives from the United

1 States, is in excess of the rate provided for an individual
2 occupying a position at level IV of the Executive Schedule
3 under section 5315 of title 5, United States Code, or while
4 any alternate United States executive director to such in-
5 stitution is compensated by the institution at a rate in
6 excess of the rate provided for an individual occupying a
7 position at level V of the Executive Schedule under section
8 5316 of title 5, United States Code.

9 (b) The Secretary of the Treasury shall instruct the
10 United States executive director of each international fi-
11 nancial institution to oppose any loan, grant, strategy or
12 policy of such institution that would require user fees or
13 service charges on poor people for primary education or
14 primary healthcare, including prevention, care and treat-
15 ment for HIV/AIDS, malaria, tuberculosis, and infant,
16 child, and maternal health, in connection with such insti-
17 tution's financing programs.

18 (c) The Secretary of the Treasury shall instruct the
19 United States Executive Director of the International
20 Monetary Fund (the Fund) to use the voice and vote of
21 the United States to oppose any loan, project, agreement,
22 memorandum, instrument, plan, or other program of the
23 Fund to a Heavily Indebted Poor Country that imposes
24 budget caps or restraints that do not allow the mainte-
25 nance of or an increase in governmental spending on

1 health care or education; and to promote government
2 spending on healthcare, education, food aid, or other crit-
3 ical safety net programs in all of the Fund's activities with
4 respect to Heavily Indebted Poor Countries.

5 DEBT-FOR-DEVELOPMENT

6 SEC. 7031. In order to enhance the continued partici-
7 pation of nongovernmental organizations in debt-for-devel-
8 opment and debt-for-nature exchanges, a nongovern-
9 mental organization which is a grantee or contractor of
10 the United States Agency for International Development
11 may place in interest bearing accounts local currencies
12 which accrue to that organization as a result of economic
13 assistance provided under title III of this Act and, subject
14 to the regular notification procedures of the Committees
15 on Appropriations, any interest earned on such investment
16 shall be used for the purpose for which the assistance was
17 provided to that organization.

18 AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

19 SEC. 7032. (a) LOANS ELIGIBLE FOR SALE, REDUC-
20 TION, OR CANCELLATION.—

21 (1) AUTHORITY TO SELL, REDUCE, OR CANCEL
22 CERTAIN LOANS.—Notwithstanding any other provi-
23 sion of law, the President may, in accordance with
24 this section, sell to any eligible purchaser any
25 concessional loan or portion thereof made before

1 January 1, 1995, pursuant to the Foreign Assist-
2 ance Act of 1961, to the government of any eligible
3 country as defined in section 702(6) of that Act or
4 on receipt of payment from an eligible purchaser, re-
5 duce or cancel such loan or portion thereof, only for
6 the purpose of facilitating—

7 (A) debt-for-equity swaps, debt-for-develop-
8 ment swaps, or debt-for-nature swaps; or

9 (B) a debt buyback by an eligible country
10 of its own qualified debt, only if the eligible
11 country uses an additional amount of the local
12 currency of the eligible country, equal to not
13 less than 40 percent of the price paid for such
14 debt by such eligible country, or the difference
15 between the price paid for such debt and the
16 face value of such debt, to support activities
17 that link conservation and sustainable use of
18 natural resources with local community develop-
19 ment, and child survival and other child devel-
20 opment, in a manner consistent with sections
21 707 through 710 of the Foreign Assistance Act
22 of 1961, if the sale, reduction, or cancellation
23 would not contravene any term or condition of
24 any prior agreement relating to such loan.

1 (2) TERMS AND CONDITIONS.—Notwithstanding
2 any other provision of law, the President shall, in ac-
3 cordance with this section, establish the terms and
4 conditions under which loans may be sold, reduced,
5 or canceled pursuant to this section.

6 (3) ADMINISTRATION.—The Facility, as defined
7 in section 702(8) of the Foreign Assistance Act of
8 1961, shall notify the administrator of the agency
9 primarily responsible for administering part I of the
10 Foreign Assistance Act of 1961 of purchasers that
11 the President has determined to be eligible, and
12 shall direct such agency to carry out the sale, reduc-
13 tion, or cancellation of a loan pursuant to this sec-
14 tion: *Provided*, That such agency shall make adjust-
15 ment in its accounts to reflect the sale, reduction, or
16 cancellation.

17 (4) LIMITATION.—The authorities of this sub-
18 section shall be available only to the extent that ap-
19 propriations for the cost of the modification, as de-
20 fined in section 502 of the Congressional Budget Act
21 of 1974, are made in advance.

22 (b) DEPOSIT OF PROCEEDS.—The proceeds from the
23 sale, reduction, or cancellation of any loan sold, reduced,
24 or canceled pursuant to this section shall be deposited in

1 the United States Government account or accounts estab-
2 lished for the repayment of such loan.

3 (c) ELIGIBLE PURCHASERS.—A loan may be sold
4 pursuant to subsection (a)(1)(A) only to a purchaser who
5 presents plans satisfactory to the President for using the
6 loan for the purpose of engaging in debt-for-equity swaps,
7 debt-for-development swaps, or debt-for-nature swaps.

8 (d) DEBTOR CONSULTATIONS.—Before the sale to
9 any eligible purchaser, or any reduction or cancellation
10 pursuant to this section, of any loan made to an eligible
11 country, the President should consult with the country
12 concerning the amount of loans to be sold, reduced, or
13 canceled and their uses for debt-for-equity swaps, debt-
14 for-development swaps, or debt-for-nature swaps.

15 (e) AVAILABILITY OF FUNDS.—The authority pro-
16 vided by subsection (a) may be used only with regard to
17 funds appropriated by this Act under the heading “Debt
18 Restructuring”.

19 SPECIAL DEBT RELIEF FOR THE POOREST

20 SEC. 7033. (a) AUTHORITY TO REDUCE DEBT.—The
21 President may reduce amounts owed to the United States
22 (or any agency of the United States) by an eligible country
23 as a result of—

24 (1) guarantees issued under sections 221 and
25 222 of the Foreign Assistance Act of 1961;

1 (2) credits extended or guarantees issued under
2 the Arms Export Control Act; or

3 (3) any obligation or portion of such obligation,
4 to pay for purchases of United States agricultural
5 commodities guaranteed by the Commodity Credit
6 Corporation under export credit guarantee programs
7 authorized pursuant to section 5(f) of the Com-
8 modity Credit Corporation Charter Act of June 29,
9 1948, as amended, section 4(b) of the Food for
10 Peace Act of 1966, as amended (Public Law 89-
11 808), or section 202 of the Agricultural Trade Act
12 of 1978, as amended (Public Law 95-501).

13 (b) LIMITATIONS.—

14 (1) The authority provided by subsection (a)
15 may be exercised only to implement multilateral offi-
16 cial debt relief and referendum agreements, com-
17 monly referred to as “Paris Club Agreed Minutes”.

18 (2) The authority provided by subsection (a)
19 may be exercised only in such amounts or to such
20 extent as is provided in advance by appropriations
21 Acts.

22 (3) The authority provided by subsection (a)
23 may be exercised only with respect to countries with
24 heavy debt burdens that are eligible to borrow from
25 the International Development Association, but not

1 from the International Bank for Reconstruction and
2 Development, commonly referred to as “IDA-only”
3 countries.

4 (c) CONDITIONS.—The authority provided by sub-
5 section (a) may be exercised only with respect to a country
6 whose government—

7 (1) does not have an excessive level of military
8 expenditures;

9 (2) has not repeatedly provided support for acts
10 of international terrorism;

11 (3) is not failing to cooperate on international
12 narcotics control matters;

13 (4) (including its military or other security
14 forces) does not engage in a consistent pattern of
15 gross violations of internationally recognized human
16 rights; and

17 (5) is not ineligible for assistance because of the
18 application of section 527 of the Foreign Relations
19 Authorization Act, Fiscal Years 1994 and 1995.

20 (d) AVAILABILITY OF FUNDS.—The authority pro-
21 vided by subsection (a) may be used only with regard to
22 the funds appropriated by this Act under the heading
23 “Debt Restructuring”.

24 (e) CERTAIN PROHIBITIONS INAPPLICABLE.—A re-
25 duction of debt pursuant to subsection (a) shall not be

1 considered assistance for the purposes of any provision of
2 law limiting assistance to a country: *Provided*, That the
3 authority provided by subsection (a) may be exercised not-
4 withstanding section 620(r) of the Foreign Assistance Act
5 of 1961 or section 321 of the International Development
6 and Food Assistance Act of 1975.

7 SPECIAL PROVISIONS

8 SEC. 7034. (a) AFGHANISTAN, PAKISTAN, IRAQ,
9 LEBANON, VICTIMS OF WAR, DISPLACED CHILDREN, AND
10 DISPLACED BURMESE.—Funds appropriated under titles
11 III through VI of this Act that are made available for as-
12 sistance for Afghanistan may be made available notwith-
13 standing section 7012 of this Act or any similar provision
14 of law and section 660 of the Foreign Assistance Act of
15 1961, and funds appropriated under titles III and VI of
16 this Act that are made available for assistance for Paki-
17 stan, Iraq, and Lebanon and for victims of war, displaced
18 children, displaced Burmese, and to assist victims of traf-
19 ficking in persons and, subject to the regular notification
20 procedures of the Committees on Appropriations, to com-
21 bat such trafficking, may be made available notwith-
22 standing any other provision of law.

23 (b) WAIVER.—

24 (1) The President may waive the provisions of
25 section 1003 of Public Law 100–204 if the Presi-

1 dent determines and certifies in writing to the
2 Speaker of the House of Representatives, the Presi-
3 dent pro tempore of the Senate, and the Committees
4 on Appropriations that it is important to the na-
5 tional security interests of the United States.

6 (2) PERIOD OF APPLICATION OF WAIVER.—Any
7 waiver pursuant to paragraph (1) shall be effective
8 for no more than a period of 6 months at a time and
9 shall not apply beyond 12 months after the enact-
10 ment of this Act.

11 (c) SMALL BUSINESS.—In entering into multiple
12 award indefinite-quantity contracts with funds appro-
13 priated by this Act, the United States Agency for Inter-
14 national Development (USAID) may provide an exception
15 to the fair opportunity process for placing task orders
16 under such contracts when the order is placed with any
17 category of small or small disadvantaged business.

18 (d) AUTHORITY REPEALED.—Section 564(g)(4) of
19 Public Law 106–429 and section 3204(f) of division B of
20 Public Law 106–246, as amended, are hereby repealed.

21 (e) RECONSTITUTING CIVILIAN POLICE AUTHOR-
22 ITY.—In providing assistance with funds appropriated by
23 this Act under section 660(b)(6) of the Foreign Assistance
24 Act of 1961, support for a nation emerging from insta-
25 bility may be deemed to mean support for regional, dis-

1 triet, municipal, or other sub-national entity emerging
2 from instability, as well as a nation emerging from insta-
3 bility.

4 (f) EXTENSION OF AUTHORITY.—The Foreign Oper-
5 ations, Export Financing, and Related Programs Appro-
6 priations Act, 1990 (Public Law 101–167) is amended—

7 (1) In section 599D (8 U.S.C. 1157 note)—

8 (A) in subsection (b)(3), by striking “and
9 2010” and inserting “2010, and 2011”; and

10 (B) in subsection (e), by striking “2010”
11 each place it appears and inserting “2011”; and

12 (2) in section 599E (8 U.S.C. 1255 note) in
13 subsection (b)(2), by striking “2010” and inserting
14 “2011”.

15 (g) WORLD FOOD PROGRAM.—Of the funds managed
16 by the Bureau for Democracy, Conflict, and Humanitarian
17 Assistance, USAID, from this or any other Act,
18 \$10,000,000 shall be made available as a general contribu-
19 tion to the World Food Program, notwithstanding any
20 other provision of law.

21 (h) DISARMAMENT, DEMOBILIZATION AND RE-
22 INTEGRATION.—Notwithstanding any other provision of
23 law, regulation or Executive order, funds appropriated by
24 this Act and prior Acts making appropriations for the De-
25 partment of State, foreign operations, and related pro-

1 grams under the headings “Economic Support Fund”,
2 “Peacekeeping Operations”, “International Disaster As-
3 sistance”, and “Transition Initiatives” may be made avail-
4 able to support programs to disarm, demobilize, and re-
5 integrate into civilian society former members of foreign
6 terrorist organizations: *Provided*, That the Secretary of
7 State shall consult with the Committees on Appropriations
8 prior to the obligation of funds pursuant to this sub-
9 section: *Provided further*, That for the purposes of this
10 subsection the term “foreign terrorist organization”
11 means an organization designated as a terrorist organiza-
12 tion under section 219 of the Immigration and Nationality
13 Act.

14 (i) PERSONNEL.—The authority provided by section
15 1113 of Public Law 111–32 shall remain in effect through
16 fiscal year 2011: *Provided*, That none of the funds appro-
17 priated or otherwise made available by this Act or any
18 other Act making appropriations for the Department of
19 State, foreign operations, and related programs may be
20 used to implement phase 3 of such authority.

21 (j) CONTINGENCIES.—During fiscal year 2011, the
22 President may use up to \$75,000,000 under the authority
23 of section 451 of the Foreign Assistance Act of 1961, not-
24 withstanding any other provision of law.

1 (k) CONSOLIDATION OF REPORTS.—The Secretary of
2 State, in coordination with the USAID Administrator,
3 shall submit to the Committees on Appropriations not
4 later than 90 days after enactment of this Act rec-
5 ommendations for the consolidation or combination of re-
6 ports (including plans and strategies) that are called for
7 by any provision of law to be submitted to the Congress
8 and that are substantially duplicative of others called for
9 by any other provision of law: *Provided*, That reports are
10 considered “substantially duplicative” if they are required
11 to address at least more than half of the same substantive
12 factors, criteria and issues that are required to be ad-
13 dressed by any other report, and any such consolidated
14 report must address all the substantive factors, criteria
15 and issues required to be addressed in each of the indi-
16 vidual reports: *Provided further*, That reports affected by
17 this subsection are those within the purview of, or pre-
18 pared primarily by, the Department of State and USAID
19 and that relate to matters addressed under this Act or
20 any other Act authorizing or appropriating funds for use
21 by, or actions of, the Department of State or USAID.

22 (l) PROGRAM FOR RESEARCH AND TRAINING ON
23 EASTERN EUROPE AND THE INDEPENDENT STATES OF
24 THE FORMER SOVIET UNION.—Of the funds appropriated
25 by this Act under the heading, “Economic Support Fund”,

1 not less than \$5,000,000 shall be made available to carry
2 out the Program for Research and Training on Eastern
3 Europe and the Independent States of the Former Soviet
4 Union (title VIII) as authorized by the Soviet-Eastern Eu-
5 ropean Research and Training Act of 1983 (22 U.S.C.
6 4501–4508, as amended).

7 (m) INTERNATIONAL FUND FOR IRELAND.—Of the
8 funds appropriated under the heading “Economic Support
9 Fund” in this Act, \$15,000,000 shall be made available
10 for the United States contribution to the International
11 Fund for Ireland to carry out the provisions of chapter
12 4 of part II of the Foreign Assistance Act of 1961 in ac-
13 cordance with the provisions of the Anglo-Irish Agreement
14 Support Act of 1986 (Public Law 99–415): *Provided*,
15 That such amount shall be expended at the minimum rate
16 necessary to make timely payment for projects and activi-
17 ties.

18 (n) DEMOCRACY PROMOTION.—

19 (1) Funds made available by this Act that are
20 made available for the promotion of democracy may
21 be made available notwithstanding any other provi-
22 sion of law, and with regard to the National Endow-
23 ment for Democracy, any regulation.

24 (2) For the purposes of funds appropriated by
25 this Act, the term “promotion of democracy” means

1 programs that support good governance, human
2 rights, independent media, and the rule of law, and
3 otherwise strengthen the capacity of democratic po-
4 litical parties, governments, nongovernmental organi-
5 zations and institutions, and citizens to support the
6 development of democratic states, institutions, and
7 practices that are responsive and accountable to citi-
8 zens.

9 (3) Any contract, grant, or cooperative agree-
10 ment (or any amendment to any contract, grant or
11 cooperative agreement) in excess of \$1,000,000 of
12 funds under the heading “Democracy Fund”, and in
13 excess of \$1,000,000 under other headings in this
14 Act for the promotion of democracy, with the excep-
15 tion of programs and activities of the National En-
16 dowment for Democracy, shall be subject to the reg-
17 ular notification procedures of the Committees on
18 Appropriations.

19 (4) With respect to the provision of assistance
20 for democracy, human rights and governance activi-
21 ties in this Act, the organizations implementing such
22 assistance and the specific nature of that assistance
23 shall not be subject to the prior approval by the gov-
24 ernment of any foreign country.

1 (5) Of the funds appropriated under title III of
2 this Act that are made available for the promotion
3 of democracy, up to \$20,000,000 shall be made
4 available to expand access to information and com-
5 munications through the Internet, and shall be used
6 for programs that provide unmonitored and uncen-
7 sored access to the Internet for large numbers of
8 users living in closed societies that have acutely hos-
9 tile Internet environments: *Provided*, That such
10 funds, and any unobligated funds appropriated in
11 prior Acts making appropriations for the Depart-
12 ment of State, foreign operations and related pro-
13 grams for Internet freedom, shall not be obligated
14 until the Secretary of State, in coordination with the
15 USAID Administrator and the Broadcasting Board
16 of Governors, submits to the Committees on Appro-
17 priations, in classified form if necessary, a detailed,
18 multi-year strategy to promote Internet freedom
19 abroad, including goals and objectives, funding data
20 by Federal agency, program and fiscal year, and a
21 detailed description of the following—

22 (A) mechanisms and tools, including censor-
23 ship circumvention technology, to be used to
24 promote expanded access and freedom via the
25 Internet and other forms of connection tech-

1 nology, especially for people living in countries
2 whose governments censor, monitor, distort,
3 and restrict the Internet and other forms of
4 media;

5 (B) the countries which will be focal points
6 for such strategy, and an assessment of options
7 to reach the largest number of people in each
8 country;

9 (C) projected outcomes and metrics for
10 measuring the impact and sustainability of pro-
11 grams established by such funds; and

12 (D) an assessment of the effectiveness of
13 the uses of previously appropriated funds for
14 this purpose.

15 (o) ACCOUNTABILITY REVIEW BOARDS.—The au-
16 thority provided by section 301(a)(3) of the Omnibus Dip-
17 lomatic Security and Antiterrorism Act of 1986 (22
18 U.S.C. 4831(a)(3)) shall remain in effect through Sep-
19 tember 30, 2011.

20 (p) PARTNER VETTING.—Funds appropriated by this
21 Act may be used to implement a Partner Vetting System
22 (PVS) pilot program, including necessary rulemaking:
23 *Provided*, That any such PVS pilot program shall apply
24 equally to the programs and activities of the Department
25 of State and USAID: *Provided further*, That the Secretary

1 of State and the USAID Administrator shall jointly con-
2 sult with the Committees on Appropriations not later than
3 30 days after enactment of this Act on progress imple-
4 menting the PVS pilot program, and preliminary results:
5 *Provided further*, That such funds shall be subject to the
6 regular notification procedures of the Committees on Ap-
7 propriations.

8 (q) MODIFICATION DATE OF REPORT.—Section
9 102(b)(1) of the International Religious Freedom Act of
10 1998 (22 U.S.C. 6412(b)(1) is amended by striking “Sep-
11 tember 1” and inserting “April 1”.

12 (r) PROTECTIONS AND REMEDIES FOR EMPLOYEES
13 OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANI-
14 ZATIONS.—The Secretary of State shall implement section
15 203(a)(2) of the William Wilberforce Trafficking Victims
16 Protection Reauthorization Act of 2008 (Public Law 110–
17 457): *Provided*, That in determining whether to suspend
18 the issuance of A–3 or G–5 visas to applicants seeking
19 to work for officials of a diplomatic mission or inter-
20 national organization, the Secretary shall consider wheth-
21 er a final court judgment has been issued against a cur-
22 rent or former employee of such mission or organization
23 (and the time period for a final appeal has expired) or
24 whether the Department of State has requested that im-
25 munity of individual diplomats or family members be

1 waived to permit criminal prosecution: *Provided further,*
2 That the Secretary should continue to assist in obtaining
3 payment of final court judgments awarded to A-3 and G-
4 5 visa holders, including encouraging the sending states
5 to provide compensation directly to victims: *Provided fur-*
6 *ther,* That the Secretary shall include, in a manner the
7 Secretary deems appropriate, all trafficking cases involv-
8 ing A-3 or G-5 visa holders in the Trafficking in Persons
9 annual report for which a final civil judgment has been
10 issued (and the time period for final appeal has expired)
11 or the Department of Justice has determined that the
12 United States Government would seek to indict the dip-
13 lomat or a family member but for diplomatic immunity.

14 (s) MODIFICATION OF AMENDMENT.—Section 620J
15 of the Foreign Assistance Act of 1961 (Limitation on As-
16 sistance to Security Forces) is amended as follows:

17 (1) by redesignating the section as section
18 620M;

19 (2) in subsection (a), by striking “evidence”
20 and inserting “information” and by striking “gross
21 violations” and inserting “a gross violation”; and

22 (3) by adding the following subsection:

23 “(d) CREDIBLE INFORMATION.—Not later than 180
24 days after the enactment of this section, the Secretary
25 shall establish procedures to—

1 “(1) ensure that information about gross viola-
2 tions of human rights by units of the security forces
3 of a foreign country is gathered and received (in-
4 cluding from United States Government sources and
5 from individuals and organizations outside the
6 United States Government), maintained, and evalu-
7 ated; and

8 “(2) identify the unit involved when credible in-
9 formation of a gross violation exists but the identity
10 of the unit is lacking.”

11 (t) SECTIONS REPEALED.—Sections 494, 495, and
12 495B through 495K of the Foreign Assistance Act of
13 1961, and section 1511 of the Foreign Affairs Agencies
14 Consolidation Act of 1998 (Public Law 105–277), are
15 hereby repealed.

16 (u) MID-CAREER PILOT PROGRAM.—Notwith-
17 standing any other provision of law, funds appropriated
18 under the heading “Diplomatic and Consular Programs”
19 shall be made available for a pilot program to recruit, hire,
20 and train up to 25 mid-career professionals for the For-
21 eign Service: *Provided*, That the Secretary of State shall
22 consult with the Committees on Appropriations on the pa-
23 rameters of such a pilot program.

24 (v) VIDEOCONFERENCE INTERVIEWS.—

1 (1) The Secretary of State shall develop and
2 conduct a pilot program for the processing of tourist
3 visas using secure remote videoconferencing tech-
4 nology as a method for conducting visa interviews of
5 applicants, and shall work with other Federal agen-
6 cies that use such secure communications to help en-
7 sure security of the videoconferencing transmission
8 and encryption.

9 (2) Not later than 90 days after the end of the
10 pilot program the Secretary of State shall submit a
11 report to the Committees on Appropriations detail-
12 ing the results of such program including rec-
13 ommendations on whether it should be continued,
14 broadened, or modified.

15 (3) The Secretary of State may waive the re-
16 quirement of paragraph (1) if the Secretary deter-
17 mines and reports to the Committees on Appropria-
18 tions that such program poses an undue security
19 risk, such that it cannot be done in a manner con-
20 sistent with maintaining security controls.

21 (w) ANNUITANT WAIVER.—

22 (1) Section 824(g) of the Foreign Service Act
23 of 1980 (22 U.S.C. 4064(g)) is amended—

1 (A) in paragraph (1)(B), by striking “to
2 facilitate the” and all that follows through “Af-
3 ghanistan,”;

4 (B) by striking paragraph (2); and

5 (C) by redesignating paragraph (3) as
6 paragraph (2).

7 (2) Section 61 of the State Department Basic
8 Authorities Act of 1956 (22 U.S.C. 2733) is amend-
9 ed in subsection (a)(2) by striking “2010” and in-
10 sserting “2012”.

11 (3) Section 625 of the Foreign Assistance Act
12 of 1961 (22 U.S.C. 2385) is amended in subsection
13 (j)(1)(B) by striking “2010” and inserting “2012”.

14 (x) FEES.—

15 (1) Section 1(b)(2) of the Passport Act of June
16 4, 1920 (22 U.S.C. 214(b)(2)) is amended by strik-
17 ing “2010” and inserting instead “2011”.

18 (2) Section 410(a)(1)(A) of title IV of the De-
19 partment of State and Related Agencies Appropria-
20 tions Act, 1999 (contained in division A of Public
21 Law 105–277) is amended by striking “a fee of
22 \$13” and inserting “a fee of not to exceed half the
23 amount of the fee that would otherwise apply for
24 processing a machine readable combined border
25 crossing identification card and non-immigrant visa,

1 and may be increased not more than 50 percent in
2 a fiscal year”.

3 (y) VICTIMS COMPENSATION.—Of the funds appro-
4 priated under the heading “Diplomatic and Consular Pro-
5 grams” in this Act, up to \$4,000,000 may be made avail-
6 able for the purposes described in the sixth proviso, under
7 the terms and conditions of the seventh proviso, under
8 such heading in division J of Public Law 110–161: *Pro-*
9 *vided*, That these funds are in addition to the amount pre-
10 viously appropriated for such purposes.

11 (z) TROPICAL FOREST PROGRAMS.—The second pro-
12 viso of section 7081(d) of Public Law 111–117 is amended
13 to read as follows: “ *Provided further*, That Funds appro-
14 priated under title III of this Act for tropical forest pro-
15 grams shall be used for purposes including to implement
16 and enforce section 8204 of Public Law 110–246, shall
17 not be used to support or promote the expansion of indus-
18 trial scale logging into primary tropical forests, and shall
19 be subject to prior consultation with, and the regular noti-
20 fication procedures of, the Committees on Appropria-
21 tions:”.

22 ARAB LEAGUE BOYCOTT OF ISRAEL

23 SEC. 7035. It is the sense of the Congress that—

24 (1) the Arab League boycott of Israel, and the
25 secondary boycott of American firms that have com-

1 mercial ties with Israel, is an impediment to peace
2 in the region and to United States investment and
3 trade in the Middle East and North Africa;

4 (2) the Arab League boycott, which was regret-
5 tably reinstated in 1997, should be immediately and
6 publicly terminated, and the Central Office for the
7 Boycott of Israel immediately disbanded;

8 (3) all Arab League states should normalize re-
9 lations with their neighbor Israel;

10 (4) the President and the Secretary of State
11 should continue to vigorously oppose the Arab
12 League boycott of Israel and find concrete steps to
13 demonstrate that opposition by, for example, taking
14 into consideration the participation of any recipient
15 country in the boycott when determining to sell
16 weapons to said country; and

17 (5) the President should report to Congress an-
18 nually on specific steps being taken by the United
19 States to encourage Arab League states to normalize
20 their relations with Israel to bring about the termi-
21 nation of the Arab League boycott of Israel, includ-
22 ing those to encourage allies and trading partners of
23 the United States to enact laws prohibiting busi-
24 nesses from complying with the boycott and penal-
25 izing businesses that do comply.

PALESTINIAN STATEHOOD

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SEC. 7036. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated under titles III through VI of this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) the governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel;

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures, and is cooperating with appropriate Israeli and other appropriate security organizations; and

(2) the Palestinian Authority (or the governing entity of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

1 (A) termination of all claims or states of
2 belligerency;

3 (B) respect for and acknowledgment of the
4 sovereignty, territorial integrity, and political
5 independence of every state in the area through
6 measures including the establishment of demili-
7 tarized zones;

8 (C) their right to live in peace within se-
9 cure and recognized boundaries free from
10 threats or acts of force;

11 (D) freedom of navigation through inter-
12 national waterways in the area; and

13 (E) a framework for achieving a just set-
14 tlement of the refugee problem.

15 (b) SENSE OF CONGRESS.—It is the sense of Con-
16 gress that the governing entity should enact a constitution
17 assuring the rule of law, an independent judiciary, and
18 respect for human rights for its citizens, and should enact
19 other laws and regulations assuring transparent and ac-
20 countable governance.

21 (c) WAIVER.—The President may waive subsection
22 (a) if he determines that it is important to the national
23 security interests of the United States to do so.

24 (d) EXEMPTION.—The restriction in subsection (a)
25 shall not apply to assistance intended to help reform the

1 Palestinian Authority and affiliated institutions, or the
2 governing entity, in order to help meet the requirements
3 of subsection (a), consistent with the provisions of section
4 7040 of this Act (“Limitation on Assistance to the Pales-
5 tinian Authority”).

6 RESTRICTIONS CONCERNING THE PALESTINIAN
7 AUTHORITY

8 SEC. 7037. None of the funds appropriated under ti-
9 tles II through VI of this Act may be obligated or ex-
10 pended to create in any part of Jerusalem a new office
11 of any department or agency of the United States Govern-
12 ment for the purpose of conducting official United States
13 Government business with the Palestinian Authority over
14 Gaza and Jericho or any successor Palestinian governing
15 entity provided for in the Israel-PLO Declaration of Prin-
16 ciples: *Provided*, That this restriction shall not apply to
17 the acquisition of additional space for the existing Con-
18 sulate General in Jerusalem: *Provided further*, That meet-
19 ings between officers and employees of the United States
20 and officials of the Palestinian Authority, or any successor
21 Palestinian governing entity provided for in the Israel-
22 PLO Declaration of Principles, for the purpose of con-
23 ducting official United States Government business with
24 such authority should continue to take place in locations
25 other than Jerusalem: *Provided further*, That as has been

1 true in the past, officers and employees of the United
2 States Government may continue to meet in Jerusalem on
3 other subjects with Palestinians (including those who now
4 occupy positions in the Palestinian Authority), have social
5 contacts, and have incidental discussions.

6 PROHIBITION ON ASSISTANCE TO THE PALESTINIAN
7 BROADCASTING CORPORATION

8 SEC. 7038. None of the funds appropriated or other-
9 wise made available by this Act may be used to provide
10 equipment, technical support, consulting services, or any
11 other form of assistance to the Palestinian Broadcasting
12 Corporation.

13 ASSISTANCE FOR THE WEST BANK AND GAZA

14 SEC. 7039. (a) OVERSIGHT.—For fiscal year 2011,
15 30 days prior to the initial obligation of funds for the bi-
16 lateral West Bank and Gaza Program, the Secretary of
17 State shall certify to the Committees on Appropriations
18 that procedures have been established to assure the Comp-
19 troller General of the United States will have access to
20 appropriate United States financial information in order
21 to review the uses of United States assistance for the Pro-
22 gram funded under the heading “Economic Support
23 Fund” for the West Bank and Gaza.

24 (b) VETTING.—Prior to the obligation of funds ap-
25 propriated by this Act under the heading “Economic Sup-

1 port Fund” for assistance for the West Bank and Gaza,
2 the Secretary of State shall take all appropriate steps to
3 ensure that such assistance is not provided to or through
4 any individual, private or government entity, or edu-
5 cational institution that the Secretary knows or has reason
6 to believe advocates, plans, sponsors, engages in, or has
7 engaged in, terrorist activity nor, with respect to private
8 entities or educational institutions, those that have as a
9 principal officer of the entity’s governing board or gov-
10 erning board of trustees any individual that has been de-
11 termined to be involved in, or advocating terrorist activity
12 or determined to be a member of a designated foreign ter-
13 rorist organization: *Provided*, That the Secretary of State
14 shall, as appropriate, establish procedures specifying the
15 steps to be taken in carrying out this subsection and shall
16 terminate assistance to any individual, entity, or edu-
17 cational institution which the Secretary has determined to
18 be involved in or advocating terrorist activity.

19 (c) PROHIBITION.—

20 (1) None of the funds appropriated under titles
21 III through VI of this Act for assistance under the
22 West Bank and Gaza Program may be made avail-
23 able for the purpose of recognizing or otherwise hon-
24 oring individuals who commit, or have committed
25 acts of terrorism.

1 (2) Notwithstanding any other provision of law,
2 none of the funds made available by this or prior ap-
3 propriations act, including funds made available by
4 transfer, may be made available for obligation for se-
5 curity assistance for the West Bank and Gaza until
6 the Secretary of State reports to the Committees on
7 Appropriations on the benchmarks that have been
8 established for security assistance for the West
9 Bank and Gaza and reports on the extent of Pales-
10 tinian compliance with such benchmarks.

11 (d) AUDITS.—

12 (1) The Administrator of the United States
13 Agency for International Development (USAID)
14 shall ensure that Federal or non-Federal audits of
15 all contractors and grantees, and significant sub-
16 contractors and sub-grantees, under the West Bank
17 and Gaza Program, are conducted at least on an an-
18 nual basis to ensure, among other things, compliance
19 with this section.

20 (2) Of the funds appropriated by this Act up to
21 \$500,000 may be used by the Office of Inspector
22 General of USAID for audits, inspections, and other
23 activities in furtherance of the requirements of this
24 subsection: *Provided*, That such funds are in addi-
25 tion to funds otherwise available for such purposes.

1 (e) Subsequent to the certification specified in sub-
2 section (a), the Comptroller General of the United States
3 shall conduct an audit and an investigation of the treat-
4 ment, handling, and uses of all funds for the bilateral
5 West Bank and Gaza Program, including all funds pro-
6 vided as cash transfer assistance, in fiscal year 2011
7 under the heading “Economic Support Fund”, and such
8 audit shall address—

9 (1) the extent to which such Program complies
10 with the requirements of subsections (b) and (c);
11 and

12 (2) an examination of all programs, projects,
13 and activities carried out under such Program, in-
14 cluding both obligations and expenditures.

15 (f) Funds made available in this Act for West Bank
16 and Gaza shall be subject to the regular notification proce-
17 dures of the Committees on Appropriations.

18 (g) Not later than 180 days after enactment of this
19 Act, the Secretary of State shall submit a report to the
20 Committees on Appropriations updating the report con-
21 tained in section 2106 of chapter 2 of title II of Public
22 Law 109–13.

1 LIMITATION ON ASSISTANCE FOR THE PALESTINIAN

2 AUTHORITY

3 SEC. 7040. (a) PROHIBITION OF FUNDS.—None of
4 the funds appropriated by this Act to carry out the provi-
5 sions of chapter 4 of part II of the Foreign Assistance
6 Act of 1961 may be obligated or expended with respect
7 to providing funds to the Palestinian Authority.

8 (b) WAIVER.—The prohibition included in subsection
9 (a) shall not apply if the President certifies in writing to
10 the Speaker of the House of Representatives, the Presi-
11 dent pro tempore of the Senate, and the Committees on
12 Appropriations that waiving such prohibition is important
13 to the national security interests of the United States.

14 (c) PERIOD OF APPLICATION OF WAIVER.—Any
15 waiver pursuant to subsection (b) shall be effective for no
16 more than a period of 6 months at a time and shall not
17 apply beyond 12 months after the enactment of this Act.

18 (d) REPORT.—Whenever the waiver authority pursu-
19 ant to subsection (b) is exercised, the President shall sub-
20 mit a report to the Committees on Appropriations detail-
21 ing the justification for the waiver, the purposes for which
22 the funds will be spent, and the accounting procedures in
23 place to ensure that the funds are properly disbursed: *Pro-*
24 *vided*, That the report shall also detail the steps the Pales-

1 tinian Authority has taken to arrest terrorists, confiscate
2 weapons and dismantle the terrorist infrastructure.

3 (e) CERTIFICATION.—If the President exercises the
4 waiver authority under subsection (b), the Secretary of
5 State must certify and report to the Committees on Ap-
6 propriations prior to the obligation of funds that the Pal-
7 estinian Authority has established a single treasury ac-
8 count for all Palestinian Authority financing and all fi-
9 nancing mechanisms flow through this account, no parallel
10 financing mechanisms exist outside of the Palestinian Au-
11 thority treasury account, and there is a single comprehen-
12 sive civil service roster and payroll.

13 (f) PROHIBITION TO HAMAS AND THE PALESTINE
14 LIBERATION ORGANIZATION.—

15 (1) None of the funds appropriated in titles III
16 through VI of this Act may be obligated for salaries
17 of personnel of the Palestinian Authority located in
18 Gaza or may be obligated or expended for assistance
19 to Hamas or any entity effectively controlled by
20 Hamas or any power-sharing government of which
21 Hamas is a member.

22 (2) Notwithstanding the limitation of subsection
23 (1), assistance may be provided to a power-sharing
24 government only if the President certifies and re-
25 ports to the Committees on Appropriations that such

1 government, including all of its ministers or such
2 equivalent, has publicly accepted and is complying
3 with the principles contained in section
4 620K(b)(1)(A) and (B) of the Foreign Assistance
5 Act of 1961, as amended.

6 (3) The President may exercise the authority in
7 section 620K(e) of the Foreign Assistance Act as
8 added by the Palestinian Anti-Terrorism Act of
9 2006 (Public Law 109–446) with respect to this
10 subsection.

11 (4) Whenever the certification pursuant to
12 paragraph (2) is exercised, the Secretary of State
13 shall submit a report to the Committees on Appro-
14 priations within 120 days of the certification and
15 every quarter thereafter on whether such govern-
16 ment, including all of its ministers or such equiva-
17 lent are continuing to comply with the principles
18 contained in section 620K(b)(1)(A) and (B) of the
19 Foreign Assistance Act of 1961, as amended: *Pro-*
20 *vided*, That the report shall also detail the amount,
21 purposes and delivery mechanisms for any assistance
22 provided pursuant to the abovementioned certifi-
23 cation and a full accounting of any direct support of
24 such government.

1 (5) None of the funds appropriated under titles
2 III through VI of this Act may be obligated for as-
3 sistance for the Palestine Liberation Organization.

4 NEAR EAST

5 SEC. 7041. (a) IRAQ.—

6 (1) Funds appropriated or otherwise made
7 available by this Act for assistance for Iraq shall be
8 made available in a manner that utilizes Iraqi enti-
9 ties to the maximum extent practicable, and in ac-
10 cordance with the Department of State's April 9,
11 2009 "Guidelines for Government of Iraq Financial
12 Participation in United States Government-Funded
13 Civilian Foreign Assistance Programs and Projects".

14 (2) None of the funds appropriated or otherwise
15 made available by this Act may be used by the Gov-
16 ernment of the United States to enter into a perma-
17 nent basing rights agreement between the United
18 States and Iraq.

19 (3) Funds appropriated or otherwise made
20 available by this Act for security-related programs in
21 Iraq may only be made available if the Secretary of
22 State certifies to the Committees on Appropriations
23 that the Government of Iraq has committed to con-
24 tributing to, and sustaining, such programs, includ-

1 ing details on the manner in which such contribu-
2 tions and sustainment will be achieved.

3 (4) Of the funds appropriated by this Act for
4 assistance for Iraq under the heading “Economic
5 Support Fund”, not less than \$10,000,000 shall be
6 made available for programs and activities for which
7 policy justifications and decisions shall be the re-
8 sponsibility of the United States Chief of Mission in
9 Iraq.

10 (5) Not later than 45 days after enactment of
11 this Act, and prior to the initial obligation of funds,
12 the Secretary of State, in consultation with the Ad-
13 ministrator of the United States Agency for Inter-
14 national Development, shall submit to the Commit-
15 tees on Appropriations a spending plan for funds ap-
16 propriated or otherwise made available by this Act
17 for assistance for Iraq, which shall include clear and
18 achievable goals and objectives, indicators and
19 benchmarks for measuring progress, and expected
20 results: *Provided*, That such plan shall not be con-
21 sidered as meeting the notification requirements
22 under section 7015 of this Act or under section
23 634A of the Foreign Assistance Act of 1961.

24 (b) LEBANON.—Funds appropriated under the head-
25 ing “Foreign Military Financing Program” in this Act for

1 assistance for Lebanon shall be made available only to pro-
2 fessionalize the Lebanese Armed Forces and to strengthen
3 border security and combat terrorism, including training
4 and equipping the Lebanese Armed Forces to secure Leb-
5 anon's borders, interdicting arms shipments, preventing
6 the use of Lebanon as a safe haven for terrorist groups,
7 and to implement United Nations Security Council Reso-
8 lution 1701: *Provided*, That funds may not be made avail-
9 able for obligation until the Secretary of State provides
10 the Committees on Appropriations a detailed spending
11 plan: *Provided further*, That such plan shall not be consid-
12 ered as meeting the notification requirements under sec-
13 tion 7015 of this Act or under section 634A of the Foreign
14 Assistance Act of 1961.

15 (c) MIDDLE EAST PEACE.—Not later than 90 days
16 after the date of enactment of this Act, the Secretary of
17 State shall submit to the Committees on Appropriations
18 a strategy for curbing incitement and promoting tolerance
19 in the Middle East region: *Provided*, That funds appro-
20 priated or otherwise made available in this Act for the
21 Middle East Partnership Initiative should be made avail-
22 able to implement such strategy, subject to prior consulta-
23 tion with, and the regular notification procedures of, the
24 Committees on Appropriations.

1 (d) SAUDI ARABIA.—Section 7041 in division F of
2 Public Law 111–117 shall continue in effect during fiscal
3 year 2011 and shall apply as if part of this Act.

4 (e) WEST BANK AND GAZA.—The reporting require-
5 ments regarding the United Nations Relief and Works
6 Agency contained in the joint explanatory statement ac-
7 companying the Supplemental Appropriations Act, 2009
8 (Public Law 111–32) under the heading “Migration and
9 Refugee Assistance” in title XI shall apply to funds made
10 available by this Act under such heading.

11

IRAN SANCTIONS

12 SEC. 7042. (a) The declaration of policy in section
13 3 of the Iran Sanctions Act of 1996 (Public Law 104–
14 172) is incorporated herein.

15 (b) None of the funds appropriated or otherwise
16 made available in title VI of this Act under the heading
17 “Export-Import Bank of the United States” may be used
18 by the Export-Import Bank of the United States to pro-
19 vide any new financing (including loans, guarantees, other
20 credits, insurance, and reinsurance) to any person that is
21 subject to sanctions under paragraph (2) or (3) of section
22 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–
23 172).

1 (c) The reporting requirement in section 7043(e)(2)
2 in division F of Public Law 111–117 shall continue in ef-
3 fect during fiscal year 2011 as if part of this Act.

4 AIRCRAFT TRANSFER AND COORDINATION

5 SEC. 7043. (a) TRANSFER AUTHORITY.—Notwith-
6 standing any other provision of law or regulation, aircraft
7 procured with funds appropriated by this Act and prior
8 Acts making appropriations for the Department of State,
9 foreign operations, and related programs under the head-
10 ings “Diplomatic and Consular Programs”, “International
11 Narcotics Control and Law Enforcement”, “Andean
12 Counterdrug Initiative” and “Andean Counterdrug Pro-
13 grams” may be used for any other program and in any
14 region, including for the transportation of active and
15 standby Civilian Response Corps personnel and equipment
16 during a deployment: *Provided*, That the responsibility for
17 policy decisions and justification for the use of such trans-
18 fer authority shall be the responsibility of the Secretary
19 of State and the Deputy Secretary of State and this re-
20 sponsibility shall not be delegated.

21 (b) PROPERTY DISPOSAL.—The authority provided
22 in subsection (a) shall apply only after a determination
23 by the Secretary of State to the Committees on Appropria-
24 tions that the equipment is no longer required to meet
25 programmatic purposes in the designated country or re-

1 gion: *Provided*, That any such transfer shall be subject
2 to prior consultation with, and the regular notification
3 procedures of, the Committees on Appropriations.

4 (c) AIRCRAFT COORDINATION.—

5 (1) Aircraft purchased or leased by the Depart-
6 ment of State and the United States Agency for
7 International Development (USAID) with funds
8 made available in this Act or prior Acts making ap-
9 propriations for the Department of State, foreign
10 operations, and related programs shall be coordi-
11 nated under the authority of the appropriate Chief
12 of Mission: *Provided*, That such aircraft may be
13 used to transport, on a reimbursable or non-reim-
14 bursable basis, Federal and non-Federal personnel
15 supporting the Department of State and USAID
16 programs and activities: *Provided further*, That offi-
17 cial travel for other agencies for other purposes may
18 be supported on a reimbursable basis, or without re-
19 imbursement when traveling on a space available
20 basis.

21 (2) The requirement and authorities of this
22 subsection shall only apply to aircraft, the primary
23 purpose of which is the transportation of personnel.

1 WESTERN HEMISPHERE

2 SEC. 7044. (a) TRADE CAPACITY.—Of the funds ap-
3 propriated by this Act, not less than \$10,000,000 under
4 the heading “Development Assistance” and not less than
5 \$10,000,000 under the heading “Economic Support
6 Fund” shall be made available for labor and environ-
7 mental capacity building activities relating to free trade
8 agreements with countries of Central America, Peru and
9 the Dominican Republic.

10 (b) ASSISTANCE FOR HAITI.—

11 (1) The Government of Haiti shall be eligible to
12 purchase defense articles and services under the
13 Arms Export Control Act (22 U.S.C. 2751 et seq.),
14 for the Coast Guard.

15 (2) Funds appropriated under the heading
16 “Economic Support Fund” in this Act that are
17 made available for assistance for Haiti shall be made
18 available, to the maximum extent practicable, in a
19 manner that emphasizes the participation and lead-
20 ership of Haitian civil society organizations and di-
21 rectly improves the security, economic and social
22 well-being, and political status, of Haitian women
23 and girls.

24 (3) None of the funds made available by this
25 Act under the heading “International Narcotics Con-

1 trol and Law Enforcement” may be used to transfer
2 excess weapons or ammunition of an agency of the
3 United States Government to any individual or unit
4 of the Haitian National Police if the Secretary of
5 State has credible information that such individual
6 or unit has committed a gross violation of inter-
7 nationally recognized human rights or other serious
8 crime.

9 (c) CARIBBEAN BASIN SECURITY INITIATIVE.—

10 (1) Of the funds appropriated by this Act, not
11 more than \$59,900,000 shall be made available for
12 the Caribbean Basin Security Initiative (CBSI), of
13 which not more than \$16,000,000 shall be funds ap-
14 propriated under the heading “Foreign Military Fi-
15 nancing Program” to support military reform and
16 air and maritime operations: *Provided*, That a pri-
17 ority of the CBSI should be to build the capacity
18 and professionalism of civilian police and judicial in-
19 stitutions: *Provided further*, That none of the funds
20 made available under this subsection shall be made
21 available for budget support or as cash payments.

22 (2) SPENDING PLAN.—Not later than 45 days
23 after the date of the enactment of this Act and prior
24 to the initial obligation of funds, the Secretary of
25 State shall submit to the Committees on Appropria-

1 tions a detailed spending plan for the countries of
2 the Caribbean Basin which shall include clear and
3 achievable goals and objectives, indicators and
4 benchmarks for measuring progress, and expected
5 results: *Provided*, That such plan shall not be con-
6 sidered as meeting the notification requirements
7 under section 7015 of this Act or under section
8 634A of the Foreign Assistance Act of 1961.

9 (3) DEFINITION.—For the purposes of this sub-
10 section, “Caribbean Basin Security Initiative” and
11 “countries of the Caribbean Basin” include Antigua
12 and Barbuda, The Bahamas, Barbados, Belize,
13 Dominica, Dominican Republic, Grenada, Guyana,
14 Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia,
15 Saint Vincent and the Grenadines, Suriname, and
16 Trinidad and Tobago.

17 (d) ASSISTANCE FOR GUATEMALA.—

18 (1) Of the funds appropriated in this Act under
19 the heading “International Narcotics Control and
20 Law Enforcement” not less than \$4,000,000 shall
21 be made available for a United States contribution
22 to the International Commission Against Impunity
23 in Guatemala.

24 (2) None of the funds appropriated under the
25 headings “International Military Education and

1 Training” and “Foreign Military Financing Pro-
2 gram” may be made available for assistance for the
3 Guatemalan Army, except that such funds may be
4 made available for the Army Corps of Engineers
5 only to improve disaster response capabilities and to
6 participate in international peacekeeping operations.

7 (e) ASSISTANCE FOR MEXICO.—

8 (1) PROHIBITION.—None of the funds made
9 available in this Act for assistance for Mexico may
10 be made available for budget support or as cash pay-
11 ments.

12 (2) APPLICABILITY OF FISCAL YEAR 2009 PRO-
13 VISIONS.—The provisions of paragraphs (1) through
14 (3) of section 7045(e) of the Department of State,
15 Foreign Operations, and Related Programs Appro-
16 priations Act, 2009 (division H of Public Law 111–
17 8) shall apply to funds appropriated or otherwise
18 made available by this Act for assistance for Mexico,
19 and the report required in that section shall be
20 based on a written determination by the Secretary of
21 State of compliance with each of the requirements in
22 those paragraphs: *Provided*, That the spending plan
23 required in that section shall not be considered as
24 meeting the notification requirements under section

1 7015 of this Act or under section 634A of the For-
2 eign Assistance Act of 1961.

3 (f) ASSISTANCE FOR THE COUNTRIES OF CENTRAL
4 AMERICA.—

5 (1) PROHIBITION.—None of the funds made
6 available in this Act for the countries of Central
7 America may be made available for budget support
8 or as cash payments.

9 (2) APPLICABILITY OF FISCAL YEAR 2009 PRO-
10 VISIONS.—

11 (A) IN GENERAL.—Except as provided in
12 subparagraph B, the provisions of paragraphs
13 (1) through (3) of section 7045(f) of the De-
14 partment of State, Foreign Operations, and Re-
15 lated Programs Appropriations Act, 2009 (divi-
16 sion H of Public Law 111–8) shall apply to
17 funds appropriated or otherwise made available
18 by this Act for assistance for countries of Cen-
19 tral America.

20 (B) EXCEPTION.—Section 7045(f)(1) of
21 division H of Public Law 111–8 is amended by
22 striking “and ‘Foreign Military Financing Pro-
23 gram’”.

24 (3) DEFINITION.—For the purposes of this sub-
25 section, the term “countries of Central America”

1 means Belize, Costa Rica, El Salvador, Guatemala,
2 Honduras, Nicaragua, and Panama.

3 (g) AIRCRAFT OPERATIONS AND MAINTENANCE.—

4 To the maximum extent practicable, the costs of oper-
5 ations and maintenance, including fuel, of aircraft funded
6 by this Act should be borne by the recipient country.

7 COLOMBIA

8 SEC. 7045. (a) ASSISTANCE.—

9 (1) Funds appropriated by this Act and made
10 available to the Department of State for counter-
11 narcotics or other law enforcement assistance for the
12 Government of Colombia may be used to support a
13 unified campaign against narcotics trafficking and
14 organizations designated as Foreign Terrorist Orga-
15 nizations and successor organizations, and to take
16 actions to protect human health and welfare in
17 emergency circumstances, including undertaking res-
18 cue operations: *Provided*, That no United States
19 Armed Forces personnel or United States civilian
20 contractor employed by the United States will par-
21 ticipate in any combat operation in connection with
22 assistance made available by this Act for Colombia:
23 *Provided further*, That rotary and fixed-wing aircraft
24 supported with funds appropriated under the head-
25 ing “International Narcotics Control and Law En-

1 forcement” for assistance for Colombia may be used
2 for aerial or manual drug eradication and interdiction,
3 including to transport personnel and supplies
4 and to provide security for such operations, if the
5 Secretary of State determines that voluntary eradication,
6 combined with alternative development programs, including
7 access to land, markets and social services, is not feasible
8 in such areas: *Provided further*, That such aircraft may
9 also be used to provide transport in support of alternative
10 development programs and investigations by civilian judicial
11 authorities: *Provided further*, That the President shall
12 ensure that if any helicopter procured with funds in
13 this Act or prior Acts making appropriations for the
14 Department of State, foreign operations, and related
15 programs, is used to aid or abet the operations of
16 any illegal self-defense group, paramilitary organization,
17 illegal security cooperative or successor organizations
18 in Colombia, such helicopter shall be immediately
19 returned to the United States: *Provided further*, That
20 none of the funds appropriated by this Act or prior Acts
21 making appropriations for the Department of State,
22 foreign operations, and related programs may be made
23 available for assistance for
24

1 the Colombian Departamento Administrativo de
2 Seguridad or successor organizations.

3 (2) Of the funds available under the heading
4 “International Narcotics Control and Law Enforce-
5 ment” for the Colombian national police for the pro-
6 curement of chemicals for aerial coca and poppy
7 eradication programs, not more than 20 percent of
8 such funds may be made available for such eradi-
9 cation programs unless the Secretary of State cer-
10 tifies to the Committees on Appropriations that: (1)
11 the herbicide is being used in accordance with Envi-
12 ronmental Protection Agency label requirements for
13 comparable use in the United States and with Co-
14 lombian laws; and (2) the herbicide, in the manner
15 it is being used, does not pose unreasonable risks or
16 adverse effects to humans or the environment, in-
17 cluding endemic species: *Provided*, That such funds
18 may not be made available unless the Secretary of
19 State certifies to the Committees on Appropriations
20 that any complaints of harm to health or licit crops
21 caused by such aerial eradication are thoroughly in-
22 vestigated and evaluated, and fair compensation is
23 being paid in a timely manner for meritorious
24 claims: *Provided further*, That such funds may not
25 be made available for such purposes unless programs

1 are being implemented by the United States Agency
2 for International Development, the Government of
3 Colombia, or other organizations, in consultation
4 and coordination with local communities, to provide
5 alternative sources of income in areas where security
6 permits for small-acreage growers and communities
7 whose illicit crops are targeted for aerial eradication:
8 *Provided further*, That none of the funds appro-
9 priated by this Act for assistance for Colombia shall
10 be made available for the cultivation or processing of
11 African oil palm, if doing so would contribute to sig-
12 nificant loss of native species, disrupt or contami-
13 nate natural water sources, reduce local food secu-
14 rity, or cause the forced displacement of local people:
15 *Provided further*, That funds appropriated by this
16 Act may not be used for aerial eradication in Colom-
17 bia's national parks or reserves unless the Secretary
18 of State certifies to the Committees on Appropria-
19 tions on a case-by-case basis that there are no effec-
20 tive alternatives and the eradication is conducted in
21 accordance with Colombian laws.

22 (b) APPLICABILITY OF FISCAL YEAR 2009 PROVI-
23 SIONS.—

24 (1) IN GENERAL.—Except as provided in para-
25 graph (2), the provisions of subsections (b) through

1 (f) of section 7046 of the Department of State, For-
2 eign Operations, and Related Programs Appropria-
3 tions Act, 2009 (division H of Public Law 111–8),
4 as amended by section 7046 (b)(2)(A) of division F
5 of Public Law 111–117, shall apply to funds appro-
6 priated or otherwise made available by this Act for
7 assistance for Colombia.

8 (2) EXCEPTIONS.—The following provisions of
9 section 7046 of division H of Public Law 111–8
10 shall apply to funds appropriated or otherwise made
11 available by this Act for assistance for Colombia as
12 follows:

13 (A) Subsection (b)(1)(B) is amended as
14 follows:

15 (i) By striking clause (i) and inserting
16 the following:

17 “(i) The Colombian Armed Forces are
18 suspending those members, of whatever
19 rank, who have been credibly alleged to
20 have violated internationally recognized
21 human rights, or to have aided, abetted or
22 benefitted from paramilitary organizations
23 or successor armed groups; all such cases
24 are promptly referred to civilian jurisdic-
25 tion for investigation and prosecution, and

1 the Colombian Armed Forces are no longer
2 opposing civilian judicial jurisdiction in
3 such cases; and the Colombian Armed
4 Forces are cooperating fully with civilian
5 prosecutors and judicial authorities.”.

6 (ii) By striking clause (iv) and insert-
7 ing the following:

8 “(iv) The Government of Colombia is
9 respecting the rights of human rights de-
10 fenders, journalists, trade unionists, and
11 other social activists, and the rights and
12 territory of indigenous and Afro-Colombian
13 communities; and the Colombian Armed
14 Forces are implementing procedures to dis-
15 tinguish between civilians, including dis-
16 placed persons, and combatants, in their
17 operations.”.

18 (B) Subsection (b)(2) shall be applied by
19 substituting “July 31, 2011” for the date con-
20 tained therein;

21 (C) Subsection (c) shall be applied by sub-
22 stituting “September 30, 2011” for the date
23 contained therein; and

24 (D) Subsection (d)(1) shall be applied—

- 1 (i) by substituting “18,000,000” for
2 the dollar amount contained therein; and
3 (ii) by substituting “fiscal year 2011”
4 for the fiscal year contained therein.

5 SERBIA

6 SEC. 7046. (a) Funds appropriated by this Act may
7 be made available for assistance for the central Govern-
8 ment of Serbia after May 31, 2011, if the Secretary of
9 State has submitted the report required in subsection (c).

10 (b) After May 31, 2011, the Secretary of the Treas-
11 ury should instruct the United States executive directors
12 of the international financial institutions to support loans
13 and assistance to the Government of Serbia subject to the
14 condition in subsection (c).

15 (c) The report referred to in subsection (a) is a report
16 by the Secretary of State to the Committees on Appropria-
17 tions that the Government of Serbia is cooperating with
18 the International Criminal Tribunal for the former Yugo-
19 slavia including access to investigators, the provision of
20 documents, timely information on the location, movement,
21 and sources of financial support of indictees, and the sur-
22 render and transfer of indictees or assistance in their ap-
23 prehension, including Ratko Mladic and Goran Hadzic.

24 (d) This section shall not apply to humanitarian as-
25 sistance or assistance to promote democracy.

1 COMMUNITY-BASED POLICE ASSISTANCE

2 SEC. 7047. (a) AUTHORITY.—Funds made available
3 by titles III and IV of this Act to carry out the provisions
4 of chapter 1 of part I and chapters 4 and 6 of part II
5 of the Foreign Assistance Act of 1961, may be used, not-
6 withstanding section 660 of that Act, to enhance the effec-
7 tiveness and accountability of civilian police authority
8 through training and technical assistance in human rights,
9 prevention and response to gender-based violence, rule of
10 law, anti-corruption, strategic planning, and through as-
11 sistance to foster civilian police roles that support demo-
12 cratic governance including assistance for programs to
13 prevent conflict, respond to disasters, address gender-
14 based violence, and foster improved police relations with
15 the communities they serve.

16 (b) NOTIFICATION.—Assistance provided under sub-
17 section (a) shall be subject to prior consultation with, and
18 the regular notification procedures of, the Committees on
19 Appropriations.

20 PROHIBITION OF PAYMENTS TO UNITED NATIONS

21 MEMBERS

22 SEC. 7048. None of the funds appropriated or made
23 available pursuant to titles III through VI of this Act for
24 carrying out the Foreign Assistance Act of 1961, may be
25 used to pay in whole or in part any assessments, arrear-

1 ages, or dues of any member of the United Nations or,
2 from funds appropriated by this Act to carry out chapter
3 1 of part I of the Foreign Assistance Act of 1961, the
4 costs for participation of another country's delegation at
5 international conferences held under the auspices of multi-
6 lateral or international organizations.

7 WAR CRIMES TRIBUNALS DRAWDOWN

8 SEC. 7049. If the President determines that doing so
9 will contribute to a just resolution of charges regarding
10 genocide or other violations of international humanitarian
11 law, the President may direct a drawdown pursuant to sec-
12 tion 552(c) of the Foreign Assistance Act of 1961 of up
13 to \$30,000,000 of commodities and services for the United
14 Nations War Crimes Tribunal established with regard to
15 the former Yugoslavia by the United Nations Security
16 Council or such other tribunals or commissions as the
17 Council may establish or authorize to deal with such viola-
18 tions, without regard to the ceiling limitation contained
19 in paragraph (2) thereof: *Provided*, That the determina-
20 tion required under this section shall be in lieu of any de-
21 terminations otherwise required under section 552(c): *Pro-*
22 *vided further*, That funds made available pursuant to this
23 section shall be made available subject to the regular noti-
24 fication procedures of the Committees on Appropriations.

PEACEKEEPING

1
2 SEC. 7050. (a) MISSIONS.—None of the funds appro-
3 priated or otherwise made available by title I of this Act
4 may be used for any United Nations peacekeeping mission
5 that will involve United States Armed Forces under the
6 command or operational control of a foreign national, un-
7 less the President’s military advisors have submitted to
8 the President a recommendation that such involvement is
9 in the national interests of the United States and the
10 President has submitted to the Congress such a rec-
11 ommendation.

12 (b) ASSESSMENT.—Section 404(b)(2)(B)(vi) of the
13 Foreign Relations Authorization Act, Fiscal Years 1994
14 and 1995 (22 U.S.C. 287e note) is amended to read as
15 follows:

16 “(vi) For assessments made during
17 calendar year 2010 and 2011, 27.3 per-
18 cent.”.

ATTENDANCE AT INTERNATIONAL CONFERENCES

20 SEC. 7051. None of the funds made available in this
21 Act may be used to send or otherwise pay for the attend-
22 ance of more than 50 employees of agencies or depart-
23 ments of the United States Government who are stationed
24 in the United States, at any single international con-
25 ference occurring outside the United States, unless the

1 Secretary of State reports to the Committees on Appro-
2 priations that such attendance is in the national interest:
3 *Provided*, That for purposes of this section the term
4 “international conference” shall mean a conference at-
5 tended by representatives of the United States Govern-
6 ment and of foreign governments, international organiza-
7 tions, or nongovernmental organizations.

8 RESTRICTIONS ON UNITED NATIONS DELEGATIONS

9 SEC. 7052. None of the funds made available under
10 title I of this Act may be used to pay expenses for any
11 United States delegation to any specialized agency, body,
12 or commission of the United Nations if such commission
13 is chaired or presided over by a country, the government
14 of which the Secretary of State has determined, for pur-
15 poses of section 6(j)(1) of the Export Administration Act
16 of 1979 (50 U.S.C. App. 2405(j)(1)), supports inter-
17 national terrorism.

18 PARKING FINES AND REAL PROPERTY TAXES OWED BY

19 FOREIGN GOVERNMENTS

20 SEC. 7053. (a) Subject to subsection (e), of the funds
21 appropriated under titles III through VI of this Act that
22 are made available for assistance for a foreign country,
23 an amount equal to 110 percent of the total amount of
24 the unpaid fully adjudicated parking fines and penalties
25 and unpaid property taxes owed by the central government

1 of such country shall be withheld from obligation for as-
2 sistance for the central government of such country until
3 the Secretary of State submits a certification to the Com-
4 mittees on Appropriations stating that such parking fines
5 and penalties and unpaid property taxes are fully paid.

6 (b) Funds withheld from obligation pursuant to sub-
7 section (a) may be made available for other programs or
8 activities funded by this Act, after consultation with and
9 subject to the regular notification procedures of the Com-
10 mittees on Appropriations, provided that no such funds
11 shall be made available for assistance for the central gov-
12 ernment of a foreign country that has not paid the total
13 amount of the fully adjudicated parking fines and pen-
14 alties and unpaid property taxes owed by such country.

15 (c) Subsection (a) shall not include amounts that
16 have been withheld under any other provision of law.

17 (d)(1) The Secretary of State may waive the require-
18 ments set forth in subsection (a) with respect to parking
19 fines and penalties no sooner than 60 days from the date
20 of enactment of this Act, or at any time with respect to
21 a particular country, if the Secretary determines that it
22 is in the national interests of the United States to do so.

23 (2) The Secretary of State may waive the require-
24 ments set forth in subsection (a) with respect to the un-
25 paid property taxes if the Secretary of State determines

1 that it is in the national interests of the United States
2 to do so.

3 (e) Not later than 6 months after the initial exercise
4 of the waiver authority in subsection (d), the Secretary
5 of State, after consultations with the City of New York,
6 shall submit a report to the Committees on Appropriations
7 describing a strategy, including a timetable and steps cur-
8 rently being taken, to collect the parking fines and pen-
9 alties and unpaid property taxes and interest owed by na-
10 tions receiving foreign assistance under this Act.

11 (f) In this section:

12 (1) The term “fully adjudicated” includes cir-
13 cumstances in which the person to whom the vehicle
14 is registered—

15 (A)(i) has not responded to the parking
16 violation summons; or

17 (ii) has not followed the appropriate adju-
18 dication procedure to challenge the summons;

19 and

20 (B) the period of time for payment of or
21 challenge to the summons has lapsed.

22 (2) The term “parking fines and penalties”
23 means parking fines and penalties—

24 (A) owed to—

25 (i) the District of Columbia; or

1 (ii) New York, New York; and
2 (B) incurred during the period April 1,
3 1997, through September 30, 2010.

4 (3) The term “unpaid property taxes” means
5 the amount of unpaid taxes and interest determined
6 to be owed by a foreign country on real property in
7 the District of Columbia or New York, New York in
8 a court order or judgment entered against such
9 country by a court of the United States or any State
10 or subdivision thereof.

11 LANDMINES AND CLUSTER MUNITIONS

12 SEC. 7054. (a) LANDMINES.—Notwithstanding any
13 other provision of law, demining equipment available to
14 the United States Agency for International Development
15 and the Department of State and used in support of the
16 clearance of landmines and unexploded ordnance for hu-
17 manitarian purposes may be disposed of on a grant basis
18 in foreign countries, subject to such terms and conditions
19 as the President may prescribe.

20 (b) CLUSTER MUNITIONS.—No military assistance
21 shall be furnished for cluster munitions, no defense export
22 license for cluster munitions may be issued, and no cluster
23 munitions or cluster munitions technology shall be sold or
24 transferred, unless—

1 (1) the submunitions of the cluster munitions,
2 after arming, do not result in more than 1 percent
3 unexploded ordnance across the range of intended
4 operational environments; and

5 (2) the agreement applicable to the assistance,
6 transfer, or sale of such cluster munitions or cluster
7 munitions technology specifies that the cluster muni-
8 tions will only be used against clearly defined mili-
9 tary targets and will not be used where civilians are
10 known to be present or in areas normally inhabited
11 by civilians.

12 PROHIBITION ON PUBLICITY OR PROPAGANDA

13 SEC. 7055. No part of any appropriation contained
14 in this Act shall be used for publicity or propaganda pur-
15 poses within the United States not authorized before the
16 date of the enactment of this Act by the Congress: *Pro-*
17 *vided*, That not to exceed \$25,000 may be made available
18 to carry out the provisions of section 316 of Public Law
19 96–533.

20 LIMITATION ON RESIDENCE EXPENSES

21 SEC. 7056. Of the funds appropriated or made avail-
22 able pursuant to title II of this Act, not to exceed
23 \$100,500 shall be for official residence expenses of the
24 United States Agency for International Development dur-
25 ing the current fiscal year: *Provided*, That appropriate

1 steps shall be taken to assure that, to the maximum extent
2 possible, United States-owned foreign currencies are uti-
3 lized in lieu of dollars.

4 UNITED STATES AGENCY FOR INTERNATIONAL
5 DEVELOPMENT MANAGEMENT
6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 7057. (a) AUTHORITY.—Up to \$93,000,000 of
8 the funds made available in title III of this Act to carry
9 out the provisions of part I of the Foreign Assistance Act
10 of 1961, including funds appropriated under the heading
11 “Assistance for Europe, Eurasia and Central Asia”, may
12 be used by the United States Agency for International De-
13 velopment (USAID) to hire and employ individuals in the
14 United States and overseas on a limited appointment basis
15 pursuant to the authority of sections 308 and 309 of the
16 Foreign Service Act of 1980.

17 (b) RESTRICTIONS.—

18 (1) The number of individuals hired in any fis-
19 cal year pursuant to the authority contained in sub-
20 section (a) may not exceed 175.

21 (2) The authority to hire individuals contained
22 in subsection (a) shall expire on September 30,
23 2012.

24 (c) CONDITIONS.—The authority of subsection (a)
25 should only be used to the extent that an equivalent num-

1 ber of positions that are filled by personal services contrac-
2 tors or other nondirect hire employees of USAID, who are
3 compensated with funds appropriated to carry out part I
4 of the Foreign Assistance Act of 1961, including funds
5 appropriated under the heading “Assistance for Europe,
6 Eurasia and Central Asia”, are eliminated.

7 (d) PRIORITY SECTORS.—In exercising the authority
8 of this section, primary emphasis shall be placed on ena-
9 bling USAID to meet personnel positions in technical skill
10 areas currently encumbered by contractor or other non-
11 direct hire personnel.

12 (e) CONSULTATIONS.—The USAID Administrator
13 shall consult with the Committees on Appropriations on
14 a quarterly basis concerning the implementation of this
15 section.

16 (f) PROGRAM ACCOUNT CHARGED.—The account
17 charged for the cost of an individual hired and employed
18 under the authority of this section shall be the account
19 to which such individual’s responsibilities primarily relate:
20 *Provided*, That funds made available to carry out this sec-
21 tion may be transferred to, and merged with, funds appro-
22 priated by this Act in title II under the heading “Oper-
23 ating Expenses”.

24 (g) FOREIGN SERVICE LIMITED EXTENSIONS.—Indi-
25 viduals hired and employed by USAID, with funds made

1 available in this Act or prior Acts making appropriations
2 for the Department of State, foreign operations, and re-
3 lated programs, pursuant to the authority of section 309
4 of the Foreign Service Act of 1980, may be extended for
5 a period of up to 4 years notwithstanding the limitation
6 set forth in such section.

7 (h) JUNIOR OFFICER PLACEMENT AUTHORITY.—Of
8 the funds made available in subsection (a), USAID may
9 use, in addition to funds otherwise available for such pur-
10 poses, up to \$15,000,000 to fund overseas support costs
11 of members of the Foreign Service with a Foreign Service
12 rank of four or below: *Provided*, That such authority is
13 only used to reduce USAID’s reliance on overseas personal
14 services contractors or other nondirect hire employees
15 compensated with funds appropriated to carry out part I
16 of the Foreign Assistance Act of 1961, including funds
17 appropriated under the heading “Assistance for Europe,
18 Eurasia and Central Asia”.

19 (i) DISASTER SURGE CAPACITY.—Funds appro-
20 priated under title III of this Act to carry out part I of
21 the Foreign Assistance Act of 1961, including funds ap-
22 propriated under the heading “Assistance for Europe,
23 Eurasia and Central Asia”, may be used, in addition to
24 funds otherwise available for such purposes, for the cost
25 (including the support costs) of individuals detailed to or

1 employed by USAID whose primary responsibility is to
2 carry out programs in response to natural disasters.

3 (j) TECHNICAL ADVISORS.—Up to \$13,500,000 of
4 the funds made available in title III of this Act for assist-
5 ance under the heading “Global Health and Child Sur-
6 vival”, may be used to reimburse United States Govern-
7 ment agencies, agencies of State governments, institutions
8 of higher learning, and private and voluntary organiza-
9 tions for the full cost of individuals (including for the per-
10 sonal services of such individuals) detailed or assigned to,
11 or contracted by USAID for the purpose of carrying out
12 activities under that heading: *Provided*, That up to
13 \$3,500,000 of the funds made available by this Act for
14 assistance under the heading “Development Assistance”
15 may be used to reimburse such agencies, institutions, and
16 organizations for such costs of such individuals carrying
17 out other development assistance activities.

18 (k) PERSONAL SERVICES CONTRACTORS.—Funds ap-
19 propriated by this Act to carry out chapter 1 of part I,
20 chapter 4 of part II, and section 667 of the Foreign As-
21 sistance Act of 1961, and title II of the Agricultural Trade
22 Development and Assistance Act of 1954, may be used
23 by USAID to employ up to 40 personal services contrac-
24 tors in the United States, notwithstanding any other pro-
25 vision of law, for the purpose of providing direct, interim

1 support for new or expanded overseas programs and ac-
2 tivities managed by the agency until permanent direct hire
3 personnel are hired and trained: *Provided*, That not more
4 than 10 of such contractors shall be assigned to any bu-
5 reau or office: *Provided further*, That not more than 15
6 of such contractors shall be for activities related to
7 USAID's Afghanistan or Pakistan program: *Provided fur-*
8 *ther*, That such funds appropriated to carry out title II
9 of the Agricultural Trade Development and Assistance Act
10 of 1954, may be made available only for personal services
11 contractors assigned to the Office of Food for Peace.

12 (l) HIRING AUTHORITY.—Notwithstanding section
13 307 of the Foreign Service Act of 1980, the USAID Ad-
14 ministrator may hire up to 85 individuals under the Devel-
15 opment Leadership Initiative: *Provided*, That the author-
16 ity contained in this subsection shall expire on September
17 30, 2012.

18 (m) LOCALLY EMPLOYED STAFF.—Of the funds ap-
19 propriated under title II of this Act, up to \$1,000,000,
20 in addition to funds otherwise made available for such pur-
21 poses, may be made available for special compensation for
22 overseas, locally employed staff.

23 (n) SENIOR FOREIGN SERVICE LIMITED APPOINT-
24 MENTS.—Individuals hired pursuant to the authority pro-
25 vided by section 7059(o) of division F of Public Law 111–

1 117 may be assigned to or support programs in Iraq, Af-
2 ghanistan, or Pakistan with funds made available in this
3 Act and prior Acts making appropriations for the Depart-
4 ment of State, foreign operations, and related programs.

5 GLOBAL HEALTH ACTIVITIES

6 SEC. 7058. Funds appropriated by title III of this
7 Act that are made available for bilateral assistance for
8 child survival activities or disease programs including ac-
9 tivities relating to research on, and the prevention, treat-
10 ment and control of, HIV/AIDS may be made available
11 notwithstanding any other provision of law except for the
12 provisions under the heading “Global Health and Child
13 Survival” and the United States Leadership Against HIV/
14 AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat.
15 711; 22 U.S.C. 7601 et seq.), as amended: *Provided*, That
16 of the funds appropriated under title III of this Act, not
17 less than \$710,000,000 shall be made available for family
18 planning/reproductive health, including in areas where
19 population growth threatens biodiversity or endangered
20 species.

21 DEVELOPMENT GRANTS PROGRAM

22 SEC. 7059. Of the funds appropriated in title III of
23 this Act, not less than \$45,000,000 shall be made avail-
24 able for the Development Grants Program established pur-
25 suant to section 674 of the Department of State, Foreign

1 Operations, and Related Programs Appropriations Act,
2 2008 (division J of Public Law 110–161), a significant
3 portion of which is for unsolicited proposals, to support
4 grants of not more than \$2,000,000 to small nongovern-
5 mental organizations: *Provided*, That funds made available
6 under this section are in addition to other funds available
7 for such purposes including funds designated by this Act
8 by section 7063.

9
10 WOMEN IN DEVELOPMENT

11 SEC. 7060. (a) Programs funded under title III of
12 this Act shall include, where appropriate, gender consider-
13 ations in the planning, assessment, implementation, moni-
14 toring and evaluation of such programs.

15 (b) Funds made available under title III of this Act
16 shall be made available to support programs to enhance
17 economic opportunities for poor women in developing
18 countries, including increasing the number and capacity
19 of women-owned enterprises, improving property rights for
20 women, increasing access to financial services, and im-
21 proving women’s ability to participate in the global econ-

22 (c) Funds made available under title III of this Act
23 for food security and agricultural development shall take
24 into consideration the unique needs of women, and tech-
25 nical assistance for women farmers should be a priority.

1 GENDER-BASED VIOLENCE

2 SEC. 7061. (a) Funds appropriated under the head-
3 ings “Development Assistance”, “Economic Support
4 Fund”, and “International Narcotics Control and Law
5 Enforcement” in this Act shall be made available for pro-
6 grams to address sexual and gender-based violence.

7 (b) Funds appropriated under the headings “Inter-
8 national Disaster Assistance” and “Migration and Ref-
9 ugee Assistance” should be made available for gender-
10 based violence prevention and response efforts, and to
11 strengthen the capacity of nongovernmental organizations
12 to address such violence.

13 (c) Programs and activities funded under titles III
14 and IV of this Act to train foreign police, judicial, and
15 military personnel, including for international peace-
16 keeping operations, shall include, where appropriate, pre-
17 vention and response to gender-based violence.

18 (d) The Secretary of State should seek to ensure that
19 programs funded under titles III and IV of this Act are
20 consistent with United Nations Security Council resolu-
21 tions 1325, 1820 and 1888 in their design and implemen-
22 tation, as appropriate.

23 (e) The Secretary of State, in consultation with the
24 Administrator of the United States Agency for Inter-
25 national Development, shall identify critical or widespread

1 incidents of violence against women and girls in situations
2 of armed conflict, develop emergency response measures,
3 and consult with Congress on implementation plans.

4 EDUCATION

5 SEC. 7062. (a) BASIC EDUCATION.—

6 (1) Of the funds appropriated by title III of
7 this Act, not less than \$925,000,000 should be made
8 available for assistance for basic education, of which
9 not less than \$355,000,000 shall be made available
10 under the heading “Development Assistance”: *Pro-*
11 *vided*, That funding provided under the headings
12 “Development Assistance” and “Economic Support
13 Fund” should be used to provide a continuity of as-
14 sistance for basic education in humanitarian and
15 other emergency situations.

16 (2) The United States Agency for International
17 Development (USAID) shall ensure that programs
18 supported by funding appropriated for basic edu-
19 cation in this Act, and prior Acts, are integrated, as
20 appropriate, with other health, agriculture and eco-
21 nomic development funding, and provide a quality
22 education: *Provided*, That schools supported by
23 funding in this Act and in prior Acts should serve
24 as “Communities of Learning” and should be the

1 focal point for health, education and development ac-
2 tivities, as appropriate.

3 (3) Of the funds appropriated by title III of
4 this Act for basic education, up to \$25,000,000 shall
5 be made available as a contribution to the Fast
6 Track Initiative's Catalytic Fund.

7 (4) USAID shall serve as the coordinating
8 agency for United States Government basic edu-
9 cation programs globally.

10 (b) HIGHER EDUCATION.—Of the funds appropriated
11 by title III of this Act, not less than \$225,000,000 shall
12 be made available for assistance for higher education.

13 RECONCILIATION PROGRAMS

14 SEC. 7063. Of the funds appropriated by title III of
15 this Act under the headings "Economic Support Fund"
16 and "Development Assistance", \$27,000,000 shall be
17 made available to support people to people reconciliation
18 programs which bring together individuals of different eth-
19 nic, religious and political backgrounds from areas of civil
20 strife and war, of which \$11,000,000 shall be made avail-
21 able for such programs in the Middle East: *Provided*, That
22 the Administrator of the United States Agency for Inter-
23 national Development shall consult with the Committees
24 on Appropriations, prior to the initial obligation of funds,
25 on the most effective uses of such funds.

1 COMPREHENSIVE EXPENDITURES REPORT

2 SEC. 7064. Not later than 180 days after the date
3 of enactment of this Act, the Secretary of State shall sub-
4 mit a report to the Committees on Appropriations detail-
5 ing the total amount of United States Government ex-
6 penditures in fiscal years 2009 and 2010, by Federal
7 agency, for assistance programs and activities in each for-
8 eign country, identifying the line item as presented in the
9 President's Budget Appendix and the purpose for which
10 the funds were provided: *Provided*, That if required, infor-
11 mation may be submitted in classified form.

12 REQUESTS FOR DOCUMENTS

13 SEC. 7065. None of the funds appropriated or made
14 available pursuant to titles III through VI of this Act shall
15 be available to a nongovernmental organization, including
16 any contractor, which fails to provide upon timely request
17 any document, file, or record necessary to the auditing re-
18 quirements of the United States Agency for International
19 Development.

20 PROHIBITION ON USE OF TORTURE

21 SEC. 7066. (a) None of the funds made available in
22 this Act shall be used in any way whatsoever to support
23 or justify the use of torture, cruel or inhumane treatment
24 by any official or contract employee of the United States
25 Government.

1 (b) Not later than 90 days after enactment of this
2 Act, the Secretary of State shall submit to the Committees
3 on Appropriations a report identifying those countries
4 whose police, military, or other security forces use torture,
5 as determined by the Assistant Secretary of State for De-
6 mocracy, Human Rights and Labor based on the Depart-
7 ment of State's most recent Human Rights Report and
8 other relevant information.

9 (c) Funds appropriated by this Act to carry out the
10 provisions of chapters 1, 10, 11, and 12 of part I and
11 chapter 4 of part II of the Foreign Assistance Act of 1961,
12 and the Support for East European Democracy (SEED)
13 Act of 1989, shall be made available, notwithstanding sec-
14 tion 660 of the Foreign Assistance Act of 1961, for assist-
15 ance to help eliminate torture by foreign police, military
16 or other security forces.

17 AFRICA

18 SEC. 7067. (a) EXPANDED INTERNATIONAL MILI-
19 TARY EDUCATION AND TRAINING.—

20 (1) Funds appropriated under the heading
21 “International Military Education and Training” in
22 this Act that are made available for assistance for
23 Angola, Cameroon, Central African Republic, Chad,
24 Côte d’Ivoire, Guinea and Zimbabwe may be made
25 available only for training related to international

1 peacekeeping operations and expanded international
2 military education and training.

3 (2) None of the funds appropriated under the
4 heading “International Military Education and
5 Training” in this Act may be made available for as-
6 sistance for Equatorial Guinea or Somalia.

7 (b) ETHIOPIA.—

8 (1) None of the funds appropriated by this Act
9 under the heading “Foreign Military Financing Pro-
10 gram” that are available for assistance for Ethiopia
11 may be made available unless the Secretary of
12 State—

13 (A) certifies to the Committees on Appro-
14 priations that the Government of Ethiopia is
15 making significant efforts to respect due proc-
16 ess and the rights of its citizens to peaceful ex-
17 pression and association, and is permitting ac-
18 cess to independent human rights and humani-
19 tarian organizations to the Somalia region of
20 Ethiopia; and

21 (B) submits a report to such Committees
22 on the types and amounts of United States
23 training and equipment proposed to be provided
24 to the Ethiopian military including steps that
25 will be taken to ensure that such assistance is

1 not provided to military units or personnel that
2 have violated internationally recognized human
3 rights, and steps taken by the Government of
4 Ethiopia to investigate and prosecute members
5 of the Ethiopian military who have been
6 credibly alleged to have violated such rights.

7 (2) The restriction in paragraph (1) shall not
8 apply to assistance to Ethiopian military efforts in
9 support of international peacekeeping operations and
10 for assistance to the Ethiopian Defense Command
11 and Staff College.

12 (c) CONFLICT MINERALS.—

13 (1) None of the funds appropriated by this Act
14 under the heading “Foreign Military Financing Pro-
15 gram” may be made available for assistance for
16 Rwanda or Uganda if the Secretary of State has
17 credible evidence that the Government of Rwanda or
18 the Government of Uganda is providing political,
19 military or financial support to armed groups in the
20 Democratic Republic of the Congo (DRC) that are
21 involved in the illegal exportation of minerals out of
22 the DRC or have committed violations of inter-
23 nationally recognized human rights, including rape.

24 (2) The restriction in paragraph (1) shall not
25 apply to assistance to improve border controls to

1 prevent the illegal exportation of minerals out of the
2 DRC by such groups, to protect relief efforts, or to
3 support the training and deployment of members of
4 the Rwandan or Ugandan militaries in international
5 peacekeeping operations.

6 (d) SUDAN LIMITATION ON ASSISTANCE.—

7 (1) Subject to paragraph (2):

8 (A) Notwithstanding any other provision of
9 law, none of the funds appropriated by this Act
10 may be made available for assistance for the
11 Government of Sudan.

12 (B) None of the funds appropriated by this
13 Act may be made available for the cost, as de-
14 fined in section 502, of the Congressional
15 Budget Act of 1974, of modifying loans and
16 loan guarantees held by the Government of
17 Sudan, including the cost of selling, reducing,
18 or canceling amounts owed to the United
19 States, and modifying concessional loans, guar-
20 antees, and credit agreements.

21 (2) Paragraph (1) shall not apply if the Sec-
22 retary of State determines and certifies to the Com-
23 mittees on Appropriations that:

24 (A) The Government of Sudan honors its
25 pledges to cease attacks upon civilians and dis-

1 arms and demobilizes the Janjaweed and other
2 government-supported militias;

3 (B) The Government of Sudan and all gov-
4 ernment-supported militia groups are honoring
5 their commitments made in all previous cease-
6 fire agreements; and

7 (C) The Government of Sudan is allowing
8 unimpeded access to Darfur to humanitarian
9 aid organizations, the human rights investiga-
10 tion and humanitarian teams of the United Na-
11 tions, including protection officers, and an
12 international monitoring team that is based in
13 Darfur and has the support of the United
14 States.

15 (3) The provisions of paragraph (1) shall not
16 apply to—

17 (A) humanitarian assistance;

18 (B) assistance for the Darfur region,
19 Southern Sudan, Southern Kordofan/Nuba
20 Mountains State, Blue Nile State, and Abyei;
21 and

22 (C) assistance to support implementation
23 of the Comprehensive Peace Agreement and the
24 Darfur Peace Agreement or any other inter-

1 nationally recognized viable peace agreement in
2 Sudan.

3 (4) For the purposes of this Act, the term
4 “Government of Sudan” shall not include the Gov-
5 ernment of Southern Sudan.

6 (5) Notwithstanding any other provision of law,
7 assistance in this Act may be made available to the
8 Government of Southern Sudan to provide non-lethal
9 military assistance, military education and training,
10 and defense services controlled under the Inter-
11 national Traffic in Arms Regulations (22 CFR
12 120.1 et seq.) if the Secretary of State—

13 (A) determines that the provision of such
14 items is in the national interest of the United
15 States; and

16 (B) not later than 15 days before the pro-
17 vision of any such assistance, notifies the Com-
18 mittees on Appropriations of such determina-
19 tion.

20 (e) SOUTHERN SUDAN.—The Secretary of State shall
21 obtain regular audits of the financial accounts of the Gov-
22 ernment of Southern Sudan to ensure transparency and
23 accountability of funds, including revenues from the ex-
24 traction of oil and gas, and the public disclosure of such
25 audits in a timely manner: *Provided*, That in determining

1 amounts and types of United States assistance to make
2 available to the Government of Southern Sudan, the Sec-
3 retary shall consider the extent to which such government
4 is ensuring transparency and accountability of funds: *Pro-*
5 *vided further*, That the Secretary shall, as appropriate, as-
6 sist the Government of Southern Sudan in conducting
7 such audits, and shall submit a report not later than 90
8 days after enactment of this Act to the Committees on
9 Appropriations detailing the steps that will be taken by
10 the Government of Southern Sudan, which are additional
11 to those which were taken in the previous fiscal year, to
12 improve resource management and ensure transparency
13 and accountability of funds.

14 (f) THE GAMBIA.—The Secretary of the Treasury
15 shall instruct the United States executive directors of the
16 international financial institutions to vote against any
17 loan, agreement, or other financial support for The Gam-
18 bia, except to meet basic human needs, unless the Sec-
19 retary of State certifies to the Committees on Appropria-
20 tions that the Government of The Gambia is making sig-
21 nificant efforts to release and account for political pris-
22 oners, including Ebrimah Manneh.

23 (g) WAR CRIMES IN AFRICA.—

24 (1) The Congress reaffirms its support for the
25 efforts of the International Criminal Tribunal for

1 Rwanda (ICTR) and the Special Court for Sierra
2 Leone (SCSL) to bring to justice individuals respon-
3 sible for war crimes and crimes against humanity in
4 a timely manner.

5 (2) Funds appropriated by this Act, including
6 funds for debt restructuring, may be made available
7 for assistance for the central government of a coun-
8 try in which individuals indicted by ICTR and SCSL
9 are credibly alleged to be living, if the Secretary of
10 State determines and reports to the Committees on
11 Appropriations that such government is cooperating
12 with ICTR and SCSL, including the surrender and
13 transfer of indictees in a timely manner: *Provided*,
14 That this subsection shall not apply to assistance
15 provided under section 551 of the Foreign Assist-
16 ance Act of 1961 or to project assistance under title
17 VI of this Act: *Provided further*, That the United
18 States shall use its voice and vote in the United Na-
19 tions Security Council to fully support efforts by
20 ICTR and SCSL to bring to justice individuals in-
21 dicted by such tribunals in a timely manner.

22 (3) The prohibition in paragraph (2) may be
23 waived on a country-by-country basis if the Presi-
24 dent determines that doing so is in the national se-
25 curity interest of the United States: *Provided*, That

1 prior to exercising such waiver authority, the Presi-
2 dent shall submit a report to the Committees on Ap-
3 propriations, in classified form if necessary, on—

4 (A) the steps being taken to obtain the co-
5 operation of the government in surrendering the
6 indictee in question to the court of jurisdiction;

7 (B) a strategy, including a timeline, for
8 bringing the indictee before such court; and

9 (C) the justification for exercising the
10 waiver authority.

11 (h) ZIMBABWE.—

12 (1) The Secretary of the Treasury shall instruct
13 the United States executive director of each inter-
14 national financial institution to vote against any ex-
15 tension by the respective institution of any loans or
16 grants to the Government of Zimbabwe, except to
17 meet basic human needs or to promote democracy,
18 unless the Secretary of State determines and reports
19 in writing to the Committees on Appropriations that
20 the rule of law has been restored in Zimbabwe, in-
21 cluding respect for ownership and title to property,
22 freedom of speech and association.

23 (2) None of the funds appropriated by this Act
24 shall be made available for assistance for the central
25 Government of Zimbabwe, except for health, edu-

1 cation, and macroeconomic growth assistance, unless
2 the Secretary of State makes the determination pur-
3 suant to paragraph (1).

4 ASIA

5 SEC. 7068. (a) TIBET.—

6 (1) The Secretary of the Treasury should in-
7 struct the United States executive director of each
8 international financial institution to use the voice
9 and vote of the United States to support projects in
10 Tibet if such projects do not provide incentives for
11 the migration and settlement of non-Tibetans into
12 Tibet or facilitate the transfer of ownership of Ti-
13 betan land and natural resources to non-Tibetans;
14 are based on a thorough needs-assessment; foster
15 self-sufficiency of the Tibetan people and respect Ti-
16 betan culture and traditions; and are subject to ef-
17 fective monitoring.

18 (2) Notwithstanding any other provision of law,
19 not less than \$7,500,000 of the funds appropriated
20 by this Act under the heading “Economic Support
21 Fund” should be made available to nongovernmental
22 organizations to support activities which preserve
23 cultural traditions and promote sustainable develop-
24 ment and environmental conservation in Tibetan

1 communities in the Tibetan Autonomous Region and
2 in other Tibetan communities in China.

3 (b) BURMA.—

4 (1) The Secretary of the Treasury shall instruct
5 the United States executive director of each inter-
6 national financial institution to oppose and vote
7 against the extension by such institution of any loan
8 or financial or technical assistance or any other utili-
9 zation of funds of the respective bank to and for
10 Burma.

11 (2) Funds appropriated by this Act may be
12 made available for assistance for Burma notwith-
13 standing any other provision of law, except no such
14 funds shall be made available to the State Peace and
15 Development Council, or its successor, and its affili-
16 ated organizations: *Provided*, That such funds shall
17 be made available to support programs in Burma,
18 along Burma's borders, and for Burmese groups and
19 organizations located outside Burma: *Provided fur-*
20 *ther*, That not less than \$5,000,000 shall be made
21 available for community-based organizations oper-
22 ating in Thailand to provide food, medical, and other
23 humanitarian assistance to internally displaced per-
24 sons in eastern Burma, in addition to assistance for
25 Burmese refugees appropriated under the heading

1 “Migration and Refugee Assistance” in this Act:
2 *Provided further*, That any new program or activity
3 initiated with funds made available by this Act shall
4 be subject to prior consultation with the Committees
5 on Appropriations, and all such funds shall be sub-
6 ject to the regular notification procedures of the
7 Committees on Appropriations.

8 (c) CAMBODIA.—

9 (1) Funds made available in this Act for a
10 United States contribution to a Khmer Rouge tri-
11 bunal may only be made available if the Secretary
12 of State certifies to the Committees on Appropria-
13 tions that the United Nations and the Government
14 of Cambodia are taking effective steps to address al-
15 legations of corruption and mismanagement within
16 the tribunal.

17 (2) Not later than 30 days after enactment of
18 this Act, the Secretary of State shall submit a report
19 to the Committees on Appropriations listing Cam-
20 bodian officials known to have been involved in the
21 decision to repatriate 20 Uigher asylum seekers
22 from Cambodia to the People’s Republic of China in
23 December 2009: *Provided*, That such report shall be
24 posted on the Department of State’s public Web site

1 not more than 7 days after such report is trans-
2 mitted to Congress.

3 (d) INDONESIA.—

4 (1) Of the funds appropriated by this Act under
5 the heading “Foreign Military Financing Program”
6 that are available for assistance for Indonesia,
7 \$2,000,000 may not be obligated until the Secretary
8 of State submits to the Committees on Appropria-
9 tions the report on Indonesia detailed under such
10 heading in Senate Report 111–237: *Provided*, That
11 such report shall include steps taken by the Govern-
12 ment of Indonesia to guarantee freedom of expres-
13 sion in Papua and the southern Moluccan Islands.

14 (2) Of the funds appropriated by this Act under
15 the heading “Economic Support Fund” that are
16 available for assistance for Indonesia, not less than
17 \$400,000 should be made available for grants for ca-
18 pacity building of Indonesian human rights organi-
19 zations, including in Papua.

20 (e) NORTH KOREA.—

21 (1) Funds appropriated under the heading “Mi-
22 gration and Refugee Assistance” in this Act should
23 be made available for assistance for refugees from
24 North Korea.

1 (2) Funds made available by this Act under the
2 heading “Economic Support Fund” for assistance
3 for countries in the North Asia region may be made
4 available for programs and activities pursuant to
5 section 4 of Public Law 108–333, as amended, and
6 subject to the regular notification procedures of the
7 Committees on Appropriations: *Provided*, That for
8 the purposes of this subsection, such programs and
9 activities shall be considered democracy promotion.

10 (f) PEOPLE’S REPUBLIC OF CHINA.—

11 (1) None of the funds appropriated under the
12 heading “Diplomatic and Consular Programs” in
13 this Act may be obligated or expended for processing
14 licenses for the export of satellites of United States
15 origin (including commercial satellites and satellite
16 components) to the People’s Republic of China un-
17 less, at least 15 days in advance, the Committees on
18 Appropriations are notified of such proposed action.

19 (2) The terms and requirements of section
20 620(h) of the Foreign Assistance Act of 1961 shall
21 apply to foreign assistance projects or activities of
22 the People’s Liberation Army (PLA) of the People’s
23 Republic of China, to include such projects or activi-
24 ties by any entity that is owned or controlled by, or
25 an affiliate of, the PLA: *Provided*, That none of the

1 funds appropriated or otherwise made available pur-
2 suant to this Act may be used to finance any grant,
3 contract, or cooperative agreement with the PLA, or
4 any entity that the Secretary of State has reason to
5 believe is owned or controlled by, or an affiliate of,
6 the PLA.

7 (3) Notwithstanding any other provision of law
8 and subject to prior consultation with, and the reg-
9 ular notification procedures of, the Committees on
10 Appropriations, of the funds appropriated by this
11 Act under the heading “Development Assistance”,
12 not less than \$15,000,000 shall be made available to
13 United States educational institutions and non-
14 governmental organizations for programs and activi-
15 ties in the People’s Republic of China relating to the
16 environment, governance, and the rule of law.

17 (g) PHILIPPINES.—Of the funds appropriated by this
18 Act under the heading “Foreign Military Financing Pro-
19 gram” that are available for assistance for the Philippines,
20 \$3,000,000 may not be obligated until the Secretary of
21 State submits to the Committees on Appropriations the
22 report on the Philippines detailed under such heading in
23 Senate Report 111–237.

24 (h) TIMOR-LESTE.—Of the funds appropriated by
25 this Act under the heading “Economic Support Fund”,

1 not less than \$1,000,000, in addition to funds otherwise
2 made available for such purposes, shall be made available
3 for democracy programs and activities in Timor-Leste,
4 and not less than \$2,000,000 shall be made available for
5 higher education scholarships.

6 (i) VIETNAM.—Funds appropriated by this Act that
7 are made available for assistance for Vietnam for remedi-
8 ation of dioxin contaminated sites and related health ac-
9 tivities may be made available for assistance for the Gov-
10 ernment of Vietnam, including the military, for such pur-
11 poses.

12 INDEPENDENT STATES OF THE FORMER SOVIET UNION

13 SEC. 7069. (a) None of the funds appropriated under
14 the heading “Assistance for Europe, Eurasia and Central
15 Asia” may be made available for assistance for a govern-
16 ment of an Independent State of the former Soviet Union
17 if that government directs any action in violation of the
18 territorial integrity or national sovereignty of any other
19 Independent State of the former Soviet Union, such as
20 those violations included in the Helsinki Final Act, unless
21 the Secretary of State determines that to do so is in the
22 national security interests of the United States.

23 (b) Funds appropriated under the heading “Assist-
24 ance for Europe, Eurasia and Central Asia” for the Rus-
25 sian Federation, Armenia, Kazakhstan, and Uzbekistan

1 shall be subject to the regular notification procedures of
2 the Committees on Appropriations.

3 (c)(1) Of the funds appropriated under the heading
4 “Assistance for Europe, Eurasia and Central Asia” that
5 are available for assistance for the Government of the
6 Russian Federation, 60 percent shall be withheld from ob-
7 ligation until the Secretary of State certifies to the Com-
8 mittees on Appropriations that the Government of the
9 Russian Federation—

10 (A) has terminated implementation of arrange-
11 ments to provide Iran with technical expertise, train-
12 ing, technology, or equipment necessary to develop a
13 nuclear reactor, related nuclear research facilities or
14 programs, or ballistic missile capability; and

15 (B) is providing full access to international non-
16 government organizations providing humanitarian
17 relief to refugees and internally displaced persons in
18 the North Caucasus.

19 (2) Paragraph (1) shall not apply to—

20 (A) assistance to combat infectious diseases,
21 child survival activities, or assistance for victims of
22 trafficking in persons; and

23 (B) activities authorized under title V (Non-
24 proliferation and Disarmament Programs and Ac-
25 tivities) of the FREEDOM Support Act.

1 (d) Section 907 of the FREEDOM Support Act shall
2 not apply to—

3 (1) activities to support democracy or assist-
4 ance under title V of the FREEDOM Support Act
5 and section 1424 of Public Law 104–201 or non-
6 proliferation assistance;

7 (2) any assistance provided by the Trade and
8 Development Agency under section 661 of the For-
9 eign Assistance Act of 1961 (22 U.S.C. 2421);

10 (3) any activity carried out by a member of the
11 United States and Foreign Commercial Service while
12 acting within his or her official capacity;

13 (4) any insurance, reinsurance, guarantee or
14 other assistance provided by the Overseas Private
15 Investment Corporation under title IV of chapter 2
16 of part I of the Foreign Assistance Act of 1961 (22
17 U.S.C. 2191 et seq.);

18 (5) any financing provided under the Export-
19 Import Bank Act of 1945; or

20 (6) humanitarian assistance.

21 CENTRAL ASIA

22 SEC. 7070. The terms and conditions of sections
23 7075(a) and (b) and 7076(a) through (e) of the Depart-
24 ment of State, Foreign Operations, and Related Programs
25 Appropriations Act, 2009 (division H of Public Law 111–

1 8) shall apply to funds appropriated by this Act: *Provided*,
2 That for the purposes of the application of section 7076(e)
3 to this Act, the term “assistance” shall not include ex-
4 panded international military education and training.

5 SOUTH ASIA

6 SEC. 7071. (a) AFGHANISTAN.—

7 (1) LIMITATION.—None of the funds appro-
8 priated or otherwise made available by this Act
9 under the headings “Economic Support Fund” and
10 “International Narcotics Control and Law Enforce-
11 ment” may be obligated for assistance for Afghani-
12 stan until the Secretary of State, in consultation
13 with the Administrator of the United States Agency
14 for International Development (USAID), certifies
15 and reports to the Committees on Appropriations
16 that—

17 (A) The Government of Afghanistan is—

18 (i) demonstrating a commitment to
19 reduce corruption and improve governance,
20 including by investigating, prosecuting,
21 sanctioning and/or removing corrupt offi-
22 cials from office and to implement finan-
23 cial transparency and accountability meas-
24 ures for government institutions and offi-

1 cials (including the Central Bank) as well
2 as to conduct oversight of public resources;

3 (ii) taking significant steps to facili-
4 tate active public participation in govern-
5 ance and oversight; and

6 (iii) taking credible steps to protect
7 the internationally recognized human
8 rights of Afghan women.

9 (B) There is a unified United States Gov-
10 ernment anti-corruption strategy for Afghani-
11 stan that is adequately funded, and is being im-
12 plemented in conjunction with relevant Afghan
13 authorities.

14 (C) Funds will be programmed to support
15 and strengthen the capacity of Afghan public
16 and private institutions and entities to reduce
17 corruption and to improve transparency and ac-
18 countability of national, provincial and local
19 governments, such as—

20 (i) the High Office of Oversight;

21 (ii) the Control and Audit Office;

22 (iii) the Afghan Criminal Justice Task
23 Force;

24 (iv) the Afghan Judicial Security
25 Unit;

1 (v) the Anti-Corruption Tribunal, and
2 the Attorney General's Anti-Corruption
3 Unit;

4 (vi) the training and mentoring of ju-
5 dicial personnel;

6 (vii) the training and mentoring of Af-
7 ghan Government personnel in financial
8 management, budgeting, and independent
9 oversight of public funds; and

10 (viii) Afghan civil society organiza-
11 tions and media institutions that play an
12 important role in government oversight.

13 (D) Representatives of Afghan national,
14 provincial or local governments, local commu-
15 nities and civil society organizations, as appro-
16 priate, will be consulted and participate in the
17 design of programs, projects, and activities, in-
18 cluding participation in implementation and
19 oversight, and the development of specific
20 benchmarks to measure progress and outcomes.

21 (E) Funds will be used to train and deploy
22 additional United States Government direct-hire
23 personnel to improve monitoring and control of
24 assistance to ensure that funds are used for the

1 intended purpose and do not support illicit and/
2 or corrupt activities.

3 (F) A framework and methodology is being
4 utilized to assess national, provincial, local and
5 sector level fiduciary risks relating to public fi-
6 nancial management of United States Govern-
7 ment assistance.

8 (2) DIRECT GOVERNMENT-TO-GOVERNMENT AS-
9 SISTANCE.—

10 (A) Funds appropriated or otherwise made
11 available by this Act for assistance for Afghani-
12 stan may not be made available for direct gov-
13 ernment-to-government assistance unless the
14 Secretary of State certifies to the Committees
15 on Appropriations that the relevant Afghan im-
16 plementing agency has been assessed and con-
17 sidered qualified to manage such funds and the
18 Government of the United States and the Gov-
19 ernment of Afghanistan have agreed, in writing,
20 to clear and achievable goals and objectives for
21 the use of such funds, and have established
22 mechanisms within each implementing agency
23 to ensure that such funds are used for the pur-
24 poses for which they were intended: *Provided*,
25 That the Secretary of State should suspend any

1 direct government-to-government assistance to
2 an implementing agency if the Secretary has
3 credible information of misuse of such funds by
4 any such agency: *Provided further*, That any
5 such assistance shall be subject to prior con-
6 sultation with, and the regular notification pro-
7 cedures of, the Committees on Appropriations.

8 (B) Funds appropriated or otherwise made
9 available by this Act for assistance for Afghani-
10 stan may be made available as a United States
11 contribution to the Afghanistan Reconstruction
12 Trust Fund (ARTF) unless the Secretary of
13 State determines and reports to the Committees
14 on Appropriations that the World Bank Moni-
15 toring Agent of the ARTF is unable to conduct
16 its financial control and audit responsibilities
17 due to restrictions on security personnel by the
18 Government of Afghanistan.

19 (3) ASSISTANCE AND OPERATIONS.—

20 (A) Funds appropriated under the head-
21 ings “Economic Support Fund” and “Inter-
22 national Narcotics Control and Law Enforce-
23 ment” in this Act that are available for assist-
24 ance for Afghanistan—

1 (i) shall be made available, to the
2 maximum extent practicable, in a manner
3 that emphasizes the participation of Af-
4 ghan women, and directly improves the se-
5 curity, economic and social well-being, and
6 political status, and protects the rights of,
7 Afghan women and girls and complies with
8 sections 7060 and 7061 of this Act, includ-
9 ing support for the Afghan Independent
10 Human Rights Commission, the Afghan
11 Ministry of Women’s Affairs, and women-
12 led nongovernmental organizations.

13 (ii) may be made available for a
14 United States contribution to an inter-
15 nationally-managed fund to support the
16 reconciliation with and disarmament, de-
17 mobilization and reintegration into Afghan
18 society of former combatants who have re-
19 nounced violence against the Government
20 of Afghanistan: *Provided*, That funds may
21 be made available to support reconciliation
22 and reintegration activities only if: (1) Af-
23 ghan women are participating at national,
24 provincial and local levels of government in
25 the design, policy formulation and imple-

1 mentation of the reconciliation or re-
2 integration process, and such process up-
3 holds steps taken by the Government of
4 Afghanistan to protect the internationally
5 recognized human rights of Afghan women;
6 and (2) such funds will not be used to sup-
7 port any pardon or immunity from pros-
8 ecution, or any position in the Government
9 of Afghanistan or security forces, for any
10 leader of an armed group responsible for
11 crimes against humanity, war crimes, or
12 other violations of internationally recog-
13 nized human rights;

14 (iii) may be made available for a
15 United States contribution to the North
16 Atlantic Treaty Organization/International
17 Security Assistance Force Post-Operations
18 Humanitarian Relief Fund; and

19 (iv) should be made available, not-
20 withstanding any provision of law that re-
21 stricts assistance to foreign countries, for
22 cross border stabilization and development
23 programs between Afghanistan and Paki-
24 stan or between either country and the
25 Central Asian republics.

1 (B) Programs and activities funded under
2 titles III and IV of this Act that provide train-
3 ing for foreign police, judicial, and military per-
4 sonnel shall address, where appropriate, gender-
5 based violence.

6 (C) The authority contained in section
7 1102(c) of Public Law 111–32 shall continue in
8 effect during fiscal year 2011 and shall apply
9 as if part of this Act.

10 (D) The Coordinator for Rule of Law at
11 the United States Embassy in Kabul, Afghani-
12 stan shall be consulted on the use of all funds
13 appropriated by this Act for rule of law pro-
14 grams in Afghanistan.

15 (E) None of the funds made available by
16 this Act may be used by the United States Gov-
17 ernment to enter into a permanent basing
18 rights agreement between the United States
19 and Afghanistan.

20 (F) The Secretary of State, after consulta-
21 tion with the USAID Administrator, shall sub-
22 mit to the Committees on Appropriations not
23 later than 45 days after enactment of this Act,
24 and prior to the initial obligation of funds, a
25 detailed spending plan for assistance for Af-

1 ghanistan which shall include clear and achiev-
2 able goals, benchmarks for measuring progress,
3 and expected results: *Provided*, That such plan
4 shall not be considered as meeting the notifica-
5 tion requirements under section 7015 of this
6 Act or under section 634A of the Foreign As-
7 sistance Act of 1961.

8 (G) Any significant modification to the
9 scope, objectives or implementation mechanisms
10 of United States assistance programs in Af-
11 ghanistan shall be subject to prior consultation
12 with, and the regular notification procedures of,
13 the Committees on Appropriations, except that
14 the prior consultation requirement may be
15 waived in a manner consistent with section
16 7015(e) of this Act.

17 (4) OVERSIGHT.—

18 (A) The Special Inspector General for Af-
19 ghanistan Reconstruction, the Inspector Gen-
20 eral of the Department of State and the Inspec-
21 tor General of USAID, shall jointly develop and
22 submit to the Committees on Appropriations
23 within 45 days of enactment of this Act a co-
24 ordinated audit and inspection plan of United

1 States assistance for, and civilian operations in,
2 Afghanistan.

3 (B) Of the funds appropriated in this Act
4 under the heading “Economic Support Fund”
5 for assistance for Afghanistan, \$3,000,000 shall
6 be transferred to, and merged with, funds made
7 available under the heading “Office of Inspector
8 General” in title I of this Act, for increased
9 oversight of programs in Afghanistan and shall
10 be in addition to funds otherwise available for
11 such purposes: *Provided*, That \$1,500,000 shall
12 be for the Special Inspector General for Af-
13 ghanistan Reconstruction.

14 (C) Of the funds appropriated in this Act
15 under the heading “Economic Support Fund”
16 for assistance for Afghanistan, \$1,500,000 shall
17 be transferred to, and merged with, funds ap-
18 propriated under the heading “Office of Inspec-
19 tor General” in title II of this Act for increased
20 oversight of programs in Afghanistan and shall
21 be in addition to funds otherwise available for
22 such purposes.

23 (5) MODIFICATION TO PRIOR PROVISIONS.—

24 (A) Section 1004(c)(1)(C) of Public Law
25 111–212 is amended to read as follows:

1 “(C) taking credible steps to protect the
2 internationally recognized human rights of Af-
3 ghan women.”.

4 (B) Section 1004(d)(1) of Public Law
5 111–212 is amended to read as follows:

6 “(1) Afghan women are participating at na-
7 tional, provincial and local levels of government in
8 the design, policy formulation and implementation of
9 the reconciliation or reintegration process, and such
10 process upholds steps taken by the Government of
11 Afghanistan to protect the internationally recognized
12 human rights of Afghan women; and.”.

13 (C) Section 1004(e)(1) of Public Law 111–
14 212 is amended to read as follows:

15 “(1) based on information available to the Sec-
16 retary, the Independent Electoral Commission has
17 no members or other employees who participated in,
18 or helped to cover up, acts of fraud in the 2009
19 presidential election in Afghanistan, and the Elec-
20 toral Complaints Commission is a genuinely inde-
21 pendent body with all the authorities that were in-
22 vested in it under Afghan law as of December 31,
23 2009.”.”.

24 (b) NEPAL.—

1 (1) Funds appropriated by this Act under the
2 headings “Foreign Military Financing Program”
3 and “Peacekeeping Operations” may be made avail-
4 able for assistance for Nepal only if the Secretary of
5 State certifies to the Committees on Appropriations
6 that the Nepal Army is—

7 (A) cooperating fully with investigations
8 and prosecutions by civilian judicial authorities
9 of violations of internationally recognized
10 human rights, including the 2004 murder of
11 Maina Sunuwar; and

12 (B) working constructively to redefine the
13 Nepal Army’s mission and adjust its size ac-
14 cordingly, implement reforms including
15 strengthening the capacity of the civilian min-
16 istry of defense to improve budget transparency
17 and accountability, and facilitate the integration
18 of former rebel combatants into the security
19 forces including the Nepal Army, consistent
20 with the goals of reconciliation, peace and sta-
21 bility.

22 (2) The conditions in paragraph (1) shall not
23 apply to assistance for humanitarian relief and re-
24 construction activities in Nepal.

25 (c) PAKISTAN.—

1 (1) IN GENERAL.—Funds appropriated by this
2 Act that are available for assistance for Pakistan
3 shall be made available, to the maximum extent
4 practicable, in a manner that utilizes Pakistani enti-
5 ties and directly improves the security, economic and
6 social well-being of Pakistani women and girls.

7 (2) DIRECT GOVERNMENT-TO-GOVERNMENT AS-
8 SISTANCE.—Funds appropriated by this Act for as-
9 sistance for Pakistan may be made available for di-
10 rect government-to-government assistance only if the
11 Secretary of State certifies to the Committees on
12 Appropriations that the Government of the United
13 States and the Government of Pakistan have agreed,
14 in writing, to clear and achievable goals and objec-
15 tives for the use of such funds, and have established
16 mechanisms within each implementing agency to en-
17 sure that such funds are used for the purposes for
18 which they were intended: *Provided*, That the Sec-
19 retary of State should suspend any direct govern-
20 ment-to-government assistance to an implementing
21 agency if the Secretary has credible information of
22 misuse of such funds by any such agency: *Provided*
23 *further*, That funds made available pursuant to this
24 subparagraph shall be subject to prior consultation

1 with, and the regular notification procedures of, the
2 Committees on Appropriations.

3 (3) CROSS BORDER ASSISTANCE.—Funds ap-
4 propriated under the heading “Economic Support
5 Fund” in this Act for assistance for Pakistan should
6 be provided notwithstanding any provision of law
7 that restricts assistance to foreign countries for
8 cross border stabilization and development programs
9 between Afghanistan and Pakistan or between either
10 country and the Central Asian republics.

11 (4) INFRASTRUCTURE PROJECTS.—Funds ap-
12 propriated under the heading “Economic Support
13 Fund” in this Act that are made available for assist-
14 ance for infrastructure projects in Pakistan shall be
15 implemented in a manner consistent with section
16 507(6) of the Trade Act of 1974 (19 U.S.C.
17 2467(6)).

18 (5) HUMAN RIGHTS.—

19 (A) Funds appropriated under the head-
20 ings “Foreign Military Financing Program”
21 and “Pakistan Counterinsurgency Capability
22 Fund” in this Act that are available for assist-
23 ance for Pakistan shall be made available—

24 (i) in a manner that promotes
25 unimpeded access by humanitarian organi-

1 zations to detainees, internally displaced
2 persons, and other Pakistani civilians ad-
3 versely affected by the conflict; and

4 (ii) in accordance with section 620M
5 of the Foreign Assistance Act of 1961, as
6 amended by this Act.

7 (B) Funds appropriated under the heading
8 “Economic Support Fund” in this Act for as-
9 sistance for Pakistan shall be made available
10 through the Bureau of Democracy, Human
11 Rights and Labor, Department of State, for
12 human rights programs in Pakistan, including
13 training of government officials and security
14 forces, and assistance for human rights organi-
15 zations.

16 (6) CHIEF OF MISSION.—Of the funds appro-
17 priated under the heading “Economic Support
18 Fund” in this Act for assistance for Pakistan, up to
19 \$10,000,000 may be made available to the Chief of
20 Mission to address unanticipated humanitarian and
21 conflict related needs: *Provided*, That such funds
22 shall be subject to prior consultation with, and the
23 regular notification procedures of, the Committees
24 on Appropriations, except that the prior consultation

1 requirement may be waived in a manner consistent
2 with section 7015(e) of this Act.

3 (7) SPENDING PLAN.—The Secretary of State,
4 in consultation with the Administrator of the United
5 States Agency for International Development, shall
6 submit to the Committees on Appropriations not
7 later than 45 days after enactment of this Act, and
8 prior to the initial obligation of funds, a detailed
9 spending plan for assistance for Pakistan which
10 shall include clear and achievable goals, benchmarks
11 for measuring progress, and expected results: *Pro-*
12 *vided*, That such plan shall not be considered as
13 meeting the notification requirements under section
14 7015 of this Act or under section 634A of the For-
15 eign Assistance Act of 1961.

16 (8) MODIFICATION TO PROGRAM.—Any signifi-
17 cant modification to the scope, objectives or imple-
18 mentation mechanisms of United States assistance
19 programs in Pakistan shall be subject to prior con-
20 sultation with, and the regular notification proce-
21 dures of, the Committees on Appropriations, except
22 that the prior consultation requirement may be
23 waived if it is determined that failure to do so would
24 pose a substantial risk to human health or welfare:
25 *Provided*, That in case of any such waiver, notifica-

1 tion to the Committees on Appropriations shall be
2 provided as early as practicable, but in no event
3 later than 3 days after taking the action to which
4 such consultation requirement was applicable.

5 (d) SRI LANKA.—

6 (1) Funds appropriated in title III of this Act
7 that are available for assistance for Sri Lanka shall
8 be made available for programs that promote rec-
9 conciliation between ethnic Sinhalese and Tamil pop-
10 ulations, support post-conflict reconstruction, and
11 advance the participation of Tamils and other mi-
12 norities in the political and economic life of the
13 country, and shall be subject to the regular notifica-
14 tion procedures of the Committees on Appropria-
15 tions.

16 (2) None of the funds appropriated by this Act
17 under the heading “Foreign Military Financing Pro-
18 gram” may be made available for assistance for Sri
19 Lanka, no defense export license may be issued, and
20 no military equipment or technology shall be sold or
21 transferred to Sri Lanka pursuant to the authorities
22 contained in this Act or any other Act, unless the
23 Secretary of State certifies to the Committees on
24 Appropriations that the Government of Sri Lanka
25 is—

1 (A) investigating alleged violations of inter-
2 nationally recognized human rights and inter-
3 national humanitarian law by government
4 forces and the Liberation Tigers of Tamil
5 Eelam, including the assassination of Lasantha
6 Wickrematunge;

7 (B) bringing to justice individuals who
8 have been credibly alleged to have committed
9 such violations;

10 (C) supporting and cooperating with any
11 United Nations advisory panel or investigation
12 of alleged violations of international humani-
13 tarian law;

14 (D) respecting due process and the rights
15 of its citizens to peaceful expression and asso-
16 ciation;

17 (E) providing access to detainees and con-
18 flict-affected areas and populations by humani-
19 tarian organizations; and

20 (F) implementing policies to promote rec-
21 onciliation and justice including devolution of
22 power as provided for in the Constitution of Sri
23 Lanka.

1 cordance with the regular notification procedures of the
2 Committees on Appropriations, a plan for the distribution
3 of the assets of the Enterprise Fund.

4 (b) Funds made available under titles III through VI
5 of this Act for Enterprise Funds shall be expended at the
6 minimum rate necessary to make timely payment for
7 projects and activities and shall be subject to the regular
8 notification procedures of the Committees on Appropria-
9 tions.

10 UNITED NATIONS POPULATION FUND

11 SEC. 7073. (a) CONTRIBUTION.—Of the funds made
12 available under the heading “International Organizations
13 and Programs” in this Act for fiscal year 2011,
14 \$57,500,000 shall be made available for the United Na-
15 tions Population Fund (UNFPA).

16 (b) AVAILABILITY OF FUNDS.—Funds appropriated
17 by this Act for UNFPA, that are not made available for
18 UNFPA because of the operation of any provision of law,
19 shall be transferred to the “Global Health and Child Sur-
20 vival” account and shall be made available for family plan-
21 ning, maternal, and reproductive health activities, subject
22 to the regular notification procedures of the Committees
23 on Appropriations.

24 (c) PROHIBITION ON USE OF FUNDS IN CHINA.—
25 None of the funds made available by this Act may be used

1 by UNFPA for a country program in the People's Repub-
2 lie of China.

3 (d) CONDITIONS ON AVAILABILITY OF FUNDS.—
4 Funds made available by this Act for UNFPA may not
5 be made available unless—

6 (1) UNFPA maintains funds made available by
7 this Act in an account separate from other accounts
8 of UNFPA and does not commingle such funds with
9 other sums; and

10 (2) UNFPA does not fund abortions.

11 (e) REPORT TO CONGRESS AND DOLLAR-FOR-DOL-
12 LAR WITHHOLDING OF FUNDS.—

13 (1) Not later than 4 months after the date of
14 enactment of this Act, the Secretary of State shall
15 submit a report to the Committees on Appropria-
16 tions indicating the amount of funds that the
17 UNFPA is budgeting for the year in which the re-
18 port is submitted for a country program in the Peo-
19 ple's Republic of China.

20 (2) If a report under paragraph (1) indicates
21 that the UNFPA plans to spend funds for a country
22 program in the People's Republic of China in the
23 year covered by the report, then the amount of such
24 funds the UNFPA plans to spend in the People's
25 Republic of China shall be deducted from the funds

1 made available to the UNFPA after March 1 for ob-
2 ligation for the remainder of the fiscal year in which
3 the report is submitted.

4 OVERSEAS PRIVATE INVESTMENT CORPORATION
5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 7074. (a) Whenever the President determines
7 that it is in furtherance of the purposes of the Foreign
8 Assistance Act of 1961, up to a total of \$20,000,000 of
9 the funds appropriated under title III of this Act may be
10 transferred to, and merged with, funds appropriated by
11 this Act for the Overseas Private Investment Corporation
12 Program Account, to be subject to the terms and condi-
13 tions of that account: *Provided*, That such funds shall not
14 be available for administrative expenses of the Overseas
15 Private Investment Corporation: *Provided further*, That
16 designated funding levels in this Act shall not be trans-
17 ferred pursuant to this section: *Provided further*, That the
18 exercise of such authority shall be subject to the regular
19 notification procedures of the Committees on Appropria-
20 tions.

21 (b) Notwithstanding section 235(a)(2) of the Foreign
22 Assistance Act of 1961 (22 U.S.C. 2195(a)(2)), the au-
23 thority of subsections (a) through (c) of section 234 of
24 such Act shall remain in effect through September 30,
25 2013.

EXTRADITION

1
2 SEC. 7075. (a) None of the funds appropriated in this
3 Act may be used to provide assistance (other than funds
4 provided under the headings “International Narcotics
5 Control and Law Enforcement”, “Migration and Refugee
6 Assistance”, “Emergency Migration and Refugee Assist-
7 ance”, and “Nonproliferation, Anti-terrorism, Demining
8 and Related Assistance”) for the central government of
9 a country which has notified the Department of State of
10 its refusal to extradite to the United States any individual
11 indicted for a criminal offense for which the maximum
12 penalty is life imprisonment without the possibility of pa-
13 role or for killing a law enforcement officer, as specified
14 in a United States extradition request.

15 (b) Subsection (a) shall only apply to the central gov-
16 ernment of a country with which the United States main-
17 tains diplomatic relations and with which the United
18 States has an extradition treaty and the government of
19 that country is in violation of the terms and conditions
20 of the treaty.

21 (c) The Secretary of State may waive the restriction
22 in subsection (a) on a case-by-case basis if the Secretary
23 certifies to the Committees on Appropriations that such
24 waiver is important to the national interests of the United
25 States.

1 CLIMATE CHANGE AND ENVIRONMENT PROGRAMS

2 SEC. 7076. (a) IN GENERAL.—Of the funds appro-
3 priated by this Act, up to \$1,476,550,000 may be made
4 available for programs and activities to—

5 (1) reduce, mitigate, and sequester greenhouse
6 gases that contribute to global climate change;

7 (2) support climate change adaptation; and

8 (3) protect biodiversity, including wildlife, trop-
9 ical forests, and other critical landscapes.

10 (b) USES OF CLEAN ENERGY FUNDING.—Funds ap-
11 propriated by this Act under the headings “Development
12 Assistance”, “Economic Support Fund”, and “Assistance
13 for Europe, Eurasia and Central Asia” for clean energy
14 programs and activities, may be made available only to
15 support and promote the sustainable use of renewable en-
16 ergy technologies and end-use energy efficiency tech-
17 nologies, carbon sequestration, and carbon accounting.

18 (c) TROPICAL FOREST PROGRAMS.—Funds appro-
19 priated under title III of this Act for tropical forest pro-
20 grams shall be used for purposes including to implement
21 and enforce section 8204 of Public Law 110–246, shall
22 not be used to support or promote the expansion of indus-
23 trial scale logging into primary tropical forests, and shall
24 be subject to prior consultation with, and the regular noti-
25 fication procedures of, the Committees on Appropriations:

1 *Provided*, That not more than \$5,000,000 of the funds
2 that are available for the Central African Regional Pro-
3 gram for the Environment (CARPE) and other tropical
4 forest programs in the Congo Basin may be obligated be-
5 fore approval of a new CARPE strategy.

6 (d) AUTHORITY.—Funds appropriated by this Act to
7 carry out the provisions of sections 103 through 106, and
8 chapter 4 of part II, of the Foreign Assistance Act of 1961
9 may be used, notwithstanding any other provision of law
10 except for the provisions of this section and subject to the
11 regular notification procedures of the Committees on Ap-
12 propriations, to support climate change and environment
13 programs.

14 (e) CONSULTATION.—Funds made available pursuant
15 to this section are subject to prior consultation with, and
16 the regular notification procedures of, the Committees on
17 Appropriations: *Provided*, That prior to the obligation of
18 funds appropriated by this Act for contributions to the
19 Forest Carbon Partnership Facility and the Forest Invest-
20 ment Program, the Secretary of State and/or the Sec-
21 retary of the Treasury, as appropriate, shall determine
22 and report to the Committees on Appropriations that
23 there have been meaningful consultations by the World
24 Bank with interested civil society and indigenous organiza-
25 tions.

1 (f) EXTRACTION OF NATURAL RESOURCES.—

2 (1) Funds appropriated by this Act shall be
3 made available to promote and support transparency
4 and accountability of expenditures and revenues re-
5 lated to the extraction of timber, oil and gas, cacao
6 and other natural resources, including by strength-
7 ening implementation and monitoring of the Extrac-
8 tive Industries Transparency Initiative and the Kim-
9 berley Process Certification Scheme, and by pro-
10 viding technical assistance to promote independent
11 audit mechanisms and support civil society partici-
12 pation in natural resource management.

13 (2)(A) The Secretary of the Treasury shall in-
14 form the managements of the international financial
15 institutions and post on the Department of the
16 Treasury's Web site that it is the policy of the
17 United States to oppose any assistance by such in-
18 stitutions (including but not limited to any loan,
19 credit, grant, or guarantee) for the extraction and
20 export of oil, gas, coal, timber, or other natural re-
21 source unless the government of the country has in
22 place functioning systems in the sector in which as-
23 sistance is being considered for:

24 (i) accurately accounting for and public
25 disclosure of payments to the host government

1 by companies involved in the extraction and ex-
2 port of natural resources;

3 (ii) the independent auditing of accounts
4 receiving such payments and the widespread
5 public dissemination of the findings of such au-
6 dits; and

7 (iii) public disclosure of such documents as
8 Host Government Agreements, Concession
9 Agreements, and bidding documents, allowing
10 in any such dissemination or disclosure for the
11 redaction of, or exceptions for, information that
12 is commercially proprietary or that would create
13 competitive disadvantage.

14 (B) The requirements of subparagraph (A)
15 shall not apply to assistance for the purpose of
16 building the capacity of such government to meet
17 the requirements of this paragraph.

18 (3) The Secretary of the Treasury or the Sec-
19 retary of State, as appropriate, shall instruct the
20 United States executive director of each inter-
21 national financial institution and the United States
22 representatives to all forest-related multilateral fi-
23 nancing mechanisms and processes, that it is the
24 policy of the United States to oppose the expansion

1 of industrial scale logging into primary tropical for-
2 ests.

3 (g) CLEAN TECHNOLOGY FUND.—

4 (1) AUTHORIZATION OF APPROPRIATIONS.—For
5 fiscal year 2011, up to \$315,000,000 is authorized
6 to be appropriated for a United States contribution
7 to the Clean Technology Fund (the Fund).

8 (2) LIMITS ON COUNTRY ACCESS.—The Sec-
9 retary of the Treasury shall use the voice and vote
10 of the United States to ensure that—

11 (A) the Fund does not provide more than
12 15 percent of Fund resources to any one coun-
13 try;

14 (B) prior to the obligation of funds from
15 the Fund to a recipient country, recipient coun-
16 tries shall submit to the governing body of the
17 Fund, and the governing body of the Fund ap-
18 propriately reviews and considers, an invest-
19 ment plan that will achieve significant net re-
20 ductions in national-level greenhouse gas emis-
21 sions;

22 (C) the investment plan for a recipient
23 country, whose borrowing status is classified by
24 the World Bank as “International Development
25 Association blend”, shall have at least 15 per-

1 cent of its total cost for public sector activities
2 contributed from the public funds of the recipi-
3 ent country, and any recipient country whose
4 borrowing status is classified by the World
5 Bank as “International Bank for Reconstruc-
6 tion and Development Only” status, shall have
7 at least 25 percent of its total cost for public
8 sector activities contributed from public funds
9 of the recipient country; and

10 (D) assistance made available by the Fund
11 is used exclusively to support the deployment of
12 clean energy technologies in developing coun-
13 tries (including, where appropriate, through the
14 provision of technical support or support for
15 policy or institutional reforms) in a manner
16 that achieves substantial net reductions in
17 greenhouse gas emissions.

18 (3) DEFINITIONS.—For purposes of this sub-
19 section—

20 (A) NET REDUCTIONS.—The term “net re-
21 ductions” refers to the extent to which a project
22 or program supported under this subsection re-
23 sults in lower greenhouse gas emissions than
24 would be emitted by the same entity or sector
25 in the same country in the absence of the

1 Fund’s project, taking into account, unless im-
2 practicable, effects beyond the physical bound-
3 aries of the project or program that result from
4 project or program activities.

5 (B) PUBLIC FUNDS.—The term “public
6 funds” may include sovereign loans assumed by
7 the recipient country to contribute to the fi-
8 nancing of the investment plan.

9 (C) CLEAN ENERGY TECHNOLOGY.—The
10 term “clean energy technology” means a tech-
11 nology that, as compared with technologies
12 being deployed at that time for widespread com-
13 mercial use in the country involved—

14 (i) achieves substantial reductions in
15 greenhouse gas emissions;

16 (ii) does not result in significant in-
17 cremental adverse effects on public health
18 or the environment; and

19 (iii) does one or more of the following:

20 (I) generates electricity or useful
21 thermal energy from a renewable re-
22 source;

23 (II) substantially increases the
24 energy efficiency of buildings, indus-
25 trial, or agricultural processes, or of

1 electricity transmission, distribution,
2 or end-use consumption;

3 (III) substantially increases the
4 energy efficiency of the transportation
5 system or increases utilization of
6 transportation fuels that have lifecycle
7 greenhouse gas emissions that are
8 substantially lower than those attrib-
9 utable to fossil fuel-based alternatives.

10 PROHIBITION ON PROMOTION OF TOBACCO

11 SEC. 7077. None of the funds provided by this Act
12 shall be available to promote the sale or export of tobacco
13 or tobacco products, or to seek the reduction or removal
14 by any foreign country of restrictions on the marketing
15 of tobacco or tobacco products, except for restrictions
16 which are not applied equally to all tobacco or tobacco
17 products of the same type.

18 COMMERCIAL LEASING OF DEFENSE ARTICLES

19 SEC. 7078. The second sentence of section 23(a) of
20 the Arms Export Control Act, as amended, (Public Law
21 96–29) is further amended by striking “and Egypt” and
22 inserting “, Egypt, and NATO and major non-NATO al-
23 lies”.

1 INTERNATIONAL PRISON CONDITIONS

2 SEC. 7079. (a) Not later than 180 days after enact-
3 ment of this Act, the Secretary of State shall submit to
4 the Committees on Appropriations a report, which shall
5 also be made publicly available including on the Depart-
6 ment of State's Web site, indicating those countries receiv-
7 ing assistance under the headings "Development Assist-
8 ance", "Economic Support Fund", "International Nar-
9 cotics Control and Law Enforcement", and "Foreign Mili-
10 tary Financing Program" in this Act where the Assistant
11 Secretary of State for Democracy, Human Rights and
12 Labor has determined, based on the Department of
13 State's most recent Human Rights Report and any other
14 relevant information, inhumane conditions in prisons and
15 other detention facilities are common.

16 (b) For purposes of each determination made pursu-
17 ant to subsection (a), the Assistant Secretary shall con-
18 sider the criteria listed in section 7085(b)(1 through 10)
19 of division F of Public Law 111-117.

20 (c) Funds appropriated by this Act to carry out the
21 provisions of chapters 1 and 11 of part I and chapter 4
22 of part II of the Foreign Assistance Act of 1961, and the
23 Support for East European Democracy (SEED) Act of
24 1989, shall be made available, notwithstanding section
25 660 of the Foreign Assistance Act of 1961, for assistance

1 to help eliminate inhumane conditions in foreign prisons
2 and other detention facilities.

3 TRANSPARENCY, ACCOUNTABILITY AND ANTI-
4 KLEPTOCRACY

5 SEC. 7080. (a) UNITED NATIONS.—Funds appro-
6 priated by this Act shall be available to continue to sup-
7 port efforts to promote transparency and accountability
8 at the United Nations, including access to audits and pro-
9 gram information, as appropriate: *Provided*, That the Sec-
10 retary of State, following consultation with the Commit-
11 tees on Appropriations, may withhold from obligation
12 funds appropriated under the heading “International Or-
13 ganizations and Programs” for a United States contribu-
14 tion to a United Nations organization or agency if the Sec-
15 retary determines that such organization or agency is not
16 adequately implementing reforms to increase transparency
17 and accountability.

18 (b) INTERNATIONAL MONETARY FUND.—

19 (1) The terms and conditions of section
20 7086(b) of division F of Public Law 111–117 shall
21 apply to this Act.

22 (2) The Secretary of the Treasury shall instruct
23 the United States Executive Director of the Inter-
24 national Monetary Fund (IMF) to seek to ensure

1 that any loan will be repaid to the IMF before other
2 private creditors and in full.

3 (c) NATIONAL BUDGET AND CONTRACT TRANS-
4 PARENCY.—

5 (1) None of the funds appropriated under titles
6 III and IV of this Act may be made available for as-
7 sistance for the central government of any country
8 that fails to publicly disclose on an annual basis its
9 national budget, to include income and expenditures
10 by ministry, and government contracts and licenses
11 for natural resource exploitation, to include bidding
12 and concession allocation practices.

13 (2) The Secretary of State may waive the prohi-
14 bition in paragraph (1) on a country-by-country
15 basis if the Secretary reports to the Committees on
16 Appropriations that to do so is important to the na-
17 tional interests of the United States.

18 (3) Of the funds appropriated by this Act under
19 the heading “Economic Support Fund”, up to
20 \$1,500,000 may be made available for programs and
21 activities to assist the central government of any
22 country named in the report required by paragraph
23 (2) to improve budget transparency or to support
24 civil society organizations in such countries that pro-
25 mote budget transparency: *Provided*, That such

1 sums shall be in addition to funds otherwise made
2 available for such purposes.

3 (d) GOOD GOVERNANCE AND ACCOUNTABILITY.—

4 Programs funded under title III of this Act shall include,
5 where appropriate, efforts to—

6 (1) strengthen governance, counter corruption,
7 promote accountability, and provide budget trans-
8 parency to donors and citizens of recipient countries;

9 (2) enhance civil society participation in govern-
10 ance and oversight activities including participatory
11 and transparent budgeting, and capacity building to
12 increase legislative branch oversight; and

13 (3) improve police and justice systems that sup-
14 port anti-corruption efforts and enforce the rule of
15 law.

16 (e) ANTI-KLEPTOCRACY.—

17 (1) In furtherance of the National Strategy to
18 Internationalize Efforts Against Kleptocracy and
19 Presidential Proclamation 7750, the Secretary of
20 State shall compile and maintain a list of officials of
21 foreign governments and their immediate family
22 members who the Secretary has credible evidence
23 have been involved in corruption relating to the ex-
24 traction of natural resources in their countries.

1 (2) Any individual on the list compiled under
2 paragraph (1) shall be ineligible for admission to the
3 United States.

4 (3) The Secretary may waive the application of
5 paragraph (2) if the Secretary determines that ad-
6 mission to the United States is necessary to attend
7 the United Nations, to further important United
8 States law enforcement objectives, or that the cir-
9 cumstances which caused the individual to be in-
10 cluded on the list have changed sufficiently to justify
11 the removal of the individual from the list.

12 (4) Not later than 120 days after enactment of
13 this Act, the Secretary of State shall report in writ-
14 ing, in classified form if necessary, to the Commit-
15 tees on Appropriations describing the evidence of
16 corruption concerning each of the individuals listed
17 pursuant to paragraph (1), which shall include a list
18 of any waivers provided under paragraph (3), and
19 the justification for each waiver.

20 (f) ASIAN DEVELOPMENT BANK.—Ten percent of the
21 funds appropriated by this Act under the heading “Con-
22 tribution to the Asian Development Fund” shall be with-
23 held from obligation until the Secretary of the Treasury
24 reports to the Committees on Appropriations that the
25 Asian Development Bank (the Bank) is taking steps to—

1 (1) implement an independent review, to include
2 external specialists, of the operations and internal
3 controls of the Office of Information Systems and
4 Technology and any other offices considered vulner-
5 able to fraud and corruption;

6 (2) strengthen internal controls to improve ac-
7 countability by management and prevent cases of
8 fraud and corruption; and

9 (3) ensure that restitution, including criminal
10 prosecution if appropriate, is sought if the Bank ex-
11periences losses from fraud and corruption.

12 DISABILITY PROGRAMS

13 SEC. 7081. (a) Funds appropriated by this Act under
14 the heading “Economic Support Fund” shall be made
15 available for programs and activities administered by the
16 United States Agency for International Development
17 (USAID) to address the needs and protect and promote
18 the rights of people with disabilities in developing coun-
19 tries, including initiatives that focus on independent living,
20 economic self-sufficiency, advocacy, education, employ-
21 ment, transportation, sports, and integration of individ-
22 uals with disabilities, including for the cost of translation.

23 (b) Funds appropriated under the heading “Oper-
24 ating Expenses” in title II of this Act shall be avail-
25 able to develop and implement training for staff in over-

1 seas USAID missions to promote the full inclusion and
2 equal participation of people with disabilities in developing
3 countries.

4 (c) The Secretary of State, the Secretary of the
5 Treasury, and the USAID Administrator shall seek to en-
6 sure that, where practicable, construction projects funded
7 by this Act are accessible to people with disabilities and
8 in compliance with the USAID Policy on Standards for
9 Accessibility for the Disabled, or other similar accessibility
10 standards.

11 (d) Of the funds made available pursuant to sub-
12 section (a), not more than 7 percent may be for manage-
13 ment, oversight, and technical support.

14 BUYING POWER MAINTENANCE, INTERNATIONAL
15 ORGANIZATIONS

16 SEC. 7082. (a) There may be established in the
17 Treasury of the United States a “Buying Power Mainte-
18 nance, International Organizations” account.

19 (b) At the end of each fiscal year, the Secretary of
20 State may transfer to, and merge with, “Buying Power
21 Maintenance, International Organizations” such amounts
22 from “Contributions to International Organizations” as
23 the Secretary determines are in excess of the needs of ac-
24 tivities funded from “Contributions to International Orga-

1 nizations” because of fluctuations in foreign currency ex-
2 change rates.

3 (c) In order to offset adverse fluctuations in foreign
4 currency exchange rates, the Secretary of State may
5 transfer to, and merge with, “Contributions to Inter-
6 national Organizations” such amounts from “Buying
7 Power Maintenance, International Organizations” as the
8 Secretary determines are necessary to provide for the ac-
9 tivities funded from “Contributions to International Orga-
10 nizations”.

11 (d)(1) Subject to the limitations contained in this sec-
12 tion, not later than the end of the fifth fiscal year after
13 the fiscal year for which funds are appropriated or other-
14 wise made available for “Contributions to International
15 Organizations”, the Secretary of State may transfer any
16 unobligated balance of such funds to the “Buying Power
17 Maintenance, International Organizations” account.

18 (2) The balance of the Buying Power Maintenance,
19 International Organizations account may not exceed
20 \$15,000,000 as a result of any transfer under this sub-
21 section.

22 (3) Any transfer pursuant to this subsection shall be
23 treated as a reprogramming of funds under section 34 of
24 the State Department Basic Authorities Act of 1956 (22
25 U.S.C. 2706) and shall be available for obligation or ex-

1 penditure only in accordance with the procedures under
2 such section.

3 (e)(1) Funds transferred to the “Buying Power
4 Maintenance, International Organizations” account pur-
5 suant to this section shall remain available until expended.

6 (2) The transfer authorities in this section shall be
7 available for funds appropriated for fiscal year 2011 and
8 for each fiscal year thereafter, and are in addition to any
9 transfer authority otherwise available to the Department
10 of State under other provisions of law.

11 PROHIBITION ON FIRST-CLASS TRAVEL

12 SEC. 7083. None of the funds made available in this
13 Act may be used for first-class travel by employees of
14 agencies funded by this Act in contravention of sections
15 301–10.122 through 301–10.124 of title 41, Code of Fed-
16 eral Regulations.

17 PROHIBITION ON FEDERAL CONTRACTORS IN VIOLATION
18 OF CIVIL RIGHTS ACT

19 SEC. 7084. (a) None of the funds appropriated or
20 otherwise made available by this Act may be expended for
21 any Federal contract for an amount in excess of
22 \$1,000,000 that is awarded more than 60 days after the
23 effective date of this Act, unless the contractor agrees not
24 to—

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

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

21 (b) None of the funds appropriated or otherwise
22 made available by this Act may be expended for any Fed-
23 eral contract awarded more than 180 days after the effec-
24 tive date of this Act unless the contractor certifies that
25 it requires each covered subcontractor to agree not to

1 enter into, and not to take any action to enforce any provi-
2 sion of, any agreement as described in paragraphs (1) and
3 (2) of subsection (a), with respect to any employee or inde-
4 pendent contractor performing work related to such sub-
5 contract. For purposes of this subsection, a “covered sub-
6 contractor” is an entity that has a subcontract in excess
7 of \$1,000,000 on a contract subject to subsection (a).

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

12 (d) The Secretary of State may waive the application
13 of subsection (a) or (b) to a particular contractor or sub-
14 contractor for the purposes of a particular contract or sub-
15 contract if the Secretary determines that to do so is impor-
16 tant to the national security interest of the United States:
17 *Provided*, That prior to exercising such waiver authority
18 (or, in an emergency, as soon as practicable), the Sec-
19 retary shall submit a report to the Committees on Appro-
20 priations, in classified form if necessary, detailing the
21 grounds for the waiver.

22 MILLENNIUM CHALLENGE CORPORATION COMPACTS

23 SEC. 7085. (a) EXTENSION OF COMPACTS.—Section
24 609(j) of the Millennium Challenge Act of 2003 (22
25 U.S.C. 7708(j)) is amended to read as follows:

1 “(j) EXTENSION OF COMPACT.—

2 “(1) IN GENERAL.—Except as provided under
3 paragraph (2), the duration of a Compact shall not
4 exceed 5 years.

5 “(2) EXCEPTION.—The duration of a Compact
6 may be extended beyond 5 years if the Board—

7 “(A) determines that a project included in
8 the Compact cannot be completed within 5
9 years; and

10 “(B) approves an extension of the Compact
11 that does not extend the total duration of the
12 Compact beyond 7 years.

13 “(3) CONGRESSIONAL NOTIFICATION.—Not
14 later than 15 days before the date on which the
15 Board is scheduled to vote on the extension of a
16 Compact beyond 5 years pursuant to paragraph (2),
17 the Board, acting through the Chief Executive Offi-
18 cer, shall—

19 “(A) notify the Committees on Appropria-
20 tions, the Committee on Foreign Relations of
21 the Senate and the Committee on Foreign Af-
22 fairs of the House of Representatives, of its in-
23 tent to approve such extension; and

1 “(B) provide such committees with a de-
2 tailed explanation for the determination and ap-
3 proval described in paragraph (2).”.

4 (b) CONCURRENT AND SUBSEQUENT COMPACTS.—
5 Section 609(k) of such Act (22 U.S.C. 7708(k)) is amend-
6 ed to read as follows:

7 “(k) CONCURRENT AND SUBSEQUENT COMPACTS.—

8 “(1) IN GENERAL.—Subject to paragraph (2),
9 and in accordance with the requirements of this
10 title, an eligible country and the United States may
11 enter into and have in effect concurrent and/or sub-
12 sequent Compacts.

13 “(2) REQUIREMENTS.—An eligible country and
14 the United States may enter into concurrent or sub-
15 sequent Compacts if the Board determines that such
16 country—

17 “(A) is making significant, consistent
18 progress in implementing the terms of its exist-
19 ing Compact(s) and supplementary agreements
20 to such Compact(s); and

21 “(B) will contribute, in the case of an Low
22 Income Country as defined in section 606(a),
23 not less than a 7.5 percent contribution of the
24 total amount agreed upon for a subsequent
25 Compact, or in the case of an Lower Middle In-

1 come Country (LMIC) as defined in section
2 606(b), a 15 percent contribution for a subse-
3 quent Compact.

4 “(3) FUNDING.—Millennium Challenge Cor-
5 poration (MCC) shall commit any funding for a con-
6 current Compact at the time it funds the Compact.

7 “(4) TIMING.—A concurrent Compact shall be
8 signed not later than 2 years after the signing of the
9 earlier compact.

10 “(5) LIMITATION ON COMPACTS.—The MCC
11 shall provide no more than 15 years of compact
12 funding to any country.”.

13 (c) APPLICABILITY.—The amendments made by sub-
14 section (a) shall apply with respect to Compacts entered
15 into between the United States and an eligible country
16 under the Millennium Challenge Act of 2003 (22 U.S.C.
17 7701 et seq.) before, on or after enactment of this Act,
18 and those made by subsection (b) shall apply prospectively
19 to new compacts.

20 (d) MAINTAINING CANDIDATE STATUS FOR PUR-
21 POSES OF INCOME CATEGORY.—Section 606 of the Mil-
22 lennium Challenge Act of 2003 (22 U.S.C. 7705) is
23 amended as follows:

24 (1) Section (a)(1) is amended by striking the
25 words “**Fiscal year 2004**” and inserting “**In**

1 **general**”, and by striking the words “for fiscal
2 year 2004” and inserting “for a fiscal year”.

3 (2) Section (a)(1)(A) is stricken and replaced
4 with the following: “The country has a per capita in-
5 come equal to or below the World Bank’s lower mid-
6 dle income country threshold for the fiscal year in-
7 volved and is among the 75 lowest per capita income
8 countries as identified by the World Bank; and”;

9 (3) Section (a)(2) is stricken.

10 (4) Section (b)(1)(A) is stricken and replaced
11 with the following: “has a per capita income equal
12 to or below the World Bank’s lower middle income
13 country threshold for the fiscal year involved and is
14 not among the 75 lowest per capita income countries
15 as identified by the World Bank; and”.

16 (e) Section 606 is amended by inserting the fol-
17 lowing—

18 “(d) INCOME CLASSIFICATION TRANSITION.—Any
19 country with a per capita income that changes in a given
20 fiscal year such that the country would be reclassified in
21 that fiscal year from a low income country to a lower mid-
22 dle income country or from a lower middle income country
23 to a low income country shall retain its candidacy status
24 in its former income classification for the fiscal year of

1 the country's transition and the two subsequent fiscal
2 years.”.

3 GLOBAL WOMEN'S ISSUES

4 SEC. 7086. (a) DEPARTMENT OF STATE OFFICE FOR
5 GLOBAL WOMEN'S ISSUES.—There is established, in the
6 Office of the Secretary of State, the Office for Global
7 Women's Issues (the Office). The Secretary of State may
8 assign appropriate staff with relevant technical and oper-
9 ational expertise to the Office to carry out the purposes
10 of this section.

11 (b) AMBASSADOR-AT-LARGE FOR GLOBAL WOMEN'S
12 ISSUES.—The Office shall be headed by an Ambassador-
13 at-Large for Global Women's Issues (the Ambassador),
14 who shall be appointed by the President, by and with the
15 advice and consent of the Senate; report directly to the
16 Secretary of State; and have the rank and status of Am-
17 bassador-at-Large.

18 (1) DUTIES.—The Ambassador is authorized
19 to—

20 (A) coordinate, advise on, promote and,
21 where relevant, design and implement, activi-
22 ties, policies, programs, and funding of relevant
23 bureaus and offices of the Department of State,
24 and other relevant executive branch agencies,
25 which relate to—

26 (i) gender integration;

1 (ii) women's and girls' health, eco-
2 nomic, social and legal development, pro-
3 tection, improvement in role and status in
4 society; and

5 (iii) prevention and response to vio-
6 lence against women and girls, including
7 child and forced marriage;

8 (B) work with relevant offices within the
9 Department of State, and in other relevant ex-
10 ecutive branch agencies, to promote the collec-
11 tion, retention, and analysis of data using inter-
12 nationally comparable indicators, norms and
13 methodologies to the extent possible on pro-
14 grams and activities in paragraph (A); and

15 (C) subject to the direction of the Presi-
16 dent and the Secretary of State, represent the
17 United States in matters relevant to the status
18 of women internationally.

19 (c) INTERAGENCY COOPERATION.—On behalf of the
20 Secretary of State, the Ambassador shall convene periodic
21 meetings with other executive branch agencies to enhance
22 and ensure effective coordination of policies, programs,
23 and resources regarding critical issues related to inter-
24 national women's status and development.

1 (d) UNITED STATES AGENCY FOR INTERNATIONAL
2 DEVELOPMENT GENDER INTEGRATION AND DEVELOP-
3 MENT ADVISOR.—There is established, within the United
4 States Agency for International Development (USAID),
5 the Gender Integration and Development Advisor (the Ad-
6 visor), who shall be appointed by, and should report di-
7 rectly to, the USAID Administrator; be highly qualified
8 in the areas of international development and gender inte-
9 gration; and participate in high-level strategic policy, plan-
10 ning, operations, and evaluations throughout all regional
11 and functional disciplines of USAID.

12 (1) SUPPORT STAFF.—The Office of Women in
13 International Development shall report directly to
14 the Advisor. The USAID Administrator shall assign
15 additional staff with technical and operational exper-
16 tise as may be needed to assist the Advisor in car-
17 rying out the purposes of this section.

18 (2) DUTIES.—The Advisor is authorized to—

19 (A) coordinate and advise USAID efforts
20 to integrate gender in foreign assistance design,
21 strategy, and programs, including to make rec-
22 ommendations to the USAID Administrator re-
23 garding USAID policies, procedures, and budg-
24 eting;

1 (B) collect and make publicly available
2 data and analysis on gender integration activi-
3 ties, women’s development, and strategies for
4 gender-based violence prevention and response,
5 in accordance with agency-wide mechanisms for
6 data collection, monitoring, and evaluation; and

7 (C) provide recommendations to the Ad-
8 ministrator and the Ambassador.

9 (e) STRATEGY.—Not later than 1 year after enact-
10 ment of this Act, the Secretary of State and the USAID
11 Administrator shall submit to the Committees on Appro-
12 priations, the Committee on Foreign Relations of the Sen-
13 ate and the Committee on Foreign Affairs of the House
14 of Representatives, a 5-year strategy, developed by the
15 Ambassador and the Advisor in consultation with other
16 Federal agencies, multilateral organizations, foreign gov-
17 ernments and United States and foreign civil society orga-
18 nizations with relevant expertise, to prevent and respond
19 to violence against women and girls comprehensively in at
20 least 5 developing countries with severe levels of violence,
21 which shall include multi-sector approaches, clear and
22 achievable goals and objectives, indicators and bench-
23 marks for measuring progress, and expected impacts, and
24 the role of local women’s organizations in implementation.

1 (f) CLARIFICATION.—Nothing in this section shall be
2 construed as affecting in any way existing statutory prohi-
3 bitions related to abortion or existing statutory prohibi-
4 tions on the use of funds to lobby for or against abortion.

5 ASIAN DEVELOPMENT FUND AND ASIAN DEVELOPMENT
6 BANK AUTHORIZATIONS

7 SEC. 7087. The Asian Development Bank Act (22
8 U.S.C. 285 et seq.) is amended by adding at the end the
9 following—

10 **“SEC. 33. NINTH REPLENISHMENT.**

11 “(a) CONTRIBUTION AUTHORIZED.—The United
12 States Governor of the Bank is authorized to contribute
13 \$461,000,000 on behalf of the United States to the ninth
14 replenishment of the resources of the Fund, to the extent
15 such amounts are made available in advance through ap-
16 propriations Acts.

17 “(b) AUTHORIZATION OF APPROPRIATIONS.—In
18 order to pay for the United States contribution under sub-
19 section (a), there are authorized to be appropriated, with-
20 out fiscal year limitation, \$461,000,000 for payment by
21 the Secretary of the Treasury.

22 **“SEC. 34. FIFTH CAPITAL INCREASE.**

23 “(a) SUBSCRIPTION AUTHORIZED.—

24 “(1) The United States Governor of the Bank
25 may subscribe on behalf of the United States to

1 1,104,420 additional shares of the capital stock of
2 the Bank.

3 “(2) Any subscription by the United States to
4 the capital stock of the Bank shall be effective only
5 to such extent and in such amounts as are made
6 available in advance through appropriations Acts.

7 “(b) LIMITATIONS ON AUTHORIZATION OF APPRO-
8 PRIATIONS.—

9 “(1) In order to pay for the increase in the
10 United States subscription to the Bank under sub-
11 section (a), there are authorized to be appropriated,
12 without fiscal year limitation, \$13,323,173,083 for
13 payment by the Secretary of the Treasury.

14 “(2) Of the amount authorized to be appro-
15 priated under paragraph (1)—

16 “(A) \$532,929,240 shall be for paid in
17 shares of the Bank; and

18 “(B) \$12,790,243,843 shall be for callable
19 shares of the Bank.”.

20 INSPECTORS GENERAL PERSONNEL

21 SEC. 7088. (a)(1) The provisions in this section shall
22 apply to the Inspector General of the Department of State
23 and the Inspector General of the United States Agency
24 for International Development.

1 (2) The term “Government Employee” has the mean-
2 ing given the term employee in section 2105 of title 5,
3 United States Code.

4 (3) The Inspector General may waive any of the fol-
5 lowing provisions to employ annuitants (individuals who
6 are entitled to benefits under a retirement system for Gov-
7 ernment employees): subsections (a) through (d) of section
8 8344 of title 5, United States Code; subsections (a), (b)
9 and (e) of section 8468 of title 5, United States Code;
10 subsections (a) through (d) of section 824 of the Foreign
11 Service Act of 1980 (22 U.S.C. 4064); and any other simi-
12 lar provision of law, as identified by the Inspector General
13 in regulations: *Provided*, That the Inspector General may
14 exercise this authority: only on a case-by-case basis and
15 only for so long as is necessary; when necessary due to
16 exceptional difficulty in the recruitment or retention of a
17 qualified employee for the position involved or a temporary
18 emergency hiring need; as long as it does not cause the
19 number of employees within the Office of Inspector Gen-
20 eral (OIG) employed under this or other similar authority
21 to exceed, as of any given date, 15 percent of the total
22 OIG workforce, determined on a full-time equivalent basis;
23 and this authority is repealed on October 1, 2013, except
24 that an annuitant re-employed pursuant to the waiver in

1 this section before October 1, 2013, may continue such
2 employment until not later than September 30, 2014.

3 (4) Nothing in this section may be construed to per-
4 mit or require that any re-employed annuitant benefitting
5 from a waiver of a provision of law set forth in this section
6 be treated as a Government employee for purposes of the
7 retirement system to which such provision relates.

8 (5) The Inspector General is authorized to obtain
9 services under section 3109 of title 5, United States Code,
10 without regard to subsections (d)(1) of such section, and
11 is considered the head of the agency under subsection (b)
12 of such section for purposes of exercising this authority.

13 (A) Services may be obtained by the Inspector
14 General for a period of up to 1 year, with an option
15 to extend such services for an additional 2 years,
16 and that the total number of individuals employed
17 under this section shall not exceed 15 percent of the
18 total OIG workforce, determined on a full-time
19 equivalent basis.

20 (B) The authority to obtain such services shall
21 expire on September 30, 2014 except that an indi-
22 vidual whose service under this subsection is pro-
23 cured before October 1, 2014, may continue to pro-
24 vide such service until not later than September 30,
25 2015.

1 (b) Section 5545a of title 5, United States Code, is
2 amended by adding at the end the following:

3 “(1)(1) The provisions of subsections (a)–(h) pro-
4 viding for availability pay shall apply to a Foreign Service
5 officer serving as a criminal investigator in the Office of
6 the Inspector General of the United States Agency for
7 International Development.

8 “(2) For the purpose of this section, section 5542(d)
9 of this title, and section 13(a)(16) and (b)(30) of the Fair
10 Labor Standards Act of 1938 (29 U.S.C. 213(a)(16) and
11 (b)(30)), such a Foreign Service officer shall be deemed
12 to be a criminal investigator as defined in this section.

13 “(3) For purposes of this subsection, the term ‘For-
14 eign Service officer’ means as defined in section 103 (1)–
15 (4) of the Foreign Service Act of 1980, as amended (22
16 U.S.C. 2903 (1)–(4)).”.

17 RESCISSIONS

18 SEC. 7089. (a) Of the unobligated balances available
19 under the heading “Subsidy Appropriation” for the Ex-
20 port-Import Bank of the United States in title VI of the
21 Department of State, Foreign Operations, and Related
22 Programs Appropriations Act, 2009 (division H of Public
23 Law 111–8; 123 Stat. 846) and under such heading in
24 prior acts making appropriations for the Department of

1 State, foreign operations, and related programs,
2 \$160,000,000 are rescinded.

3 (b) Of the funds appropriated in prior Acts making
4 appropriations for the Department of State, foreign oper-
5 ations, and related programs under the heading “Diplo-
6 matic and Consular Programs”, \$55,000,000, of which
7 \$50,000,000 shall be from amounts made available for
8 Worldwide Security Protection, are rescinded: *Provided*,
9 That no amounts may be rescinded from amounts that
10 were designated by the Congress as an emergency require-
11 ment pursuant to the Concurrent Resolution on the Budg-
12 et or the Balanced Budget and Emergency Deficit Control
13 Act of 1985, as amended.

14 (c) Of the unobligated balances available for the
15 International Broadcasting Operations account, as identi-
16 fied by Treasury Appropriation Fund Symbol 95X0206,
17 \$633,000 are rescinded.

18 (d) Of the amounts appropriated or otherwise made
19 available by section 101 of the Continuing Appropriations
20 Resolution, 2007 (division B of Public Law 109–289), as
21 amended by section 2 of the Revised Continuing Appro-
22 priations Resolution, 2007 (Public Law 110–5; 121 Stat.
23 8), for the Broadcasting Board of Governors under the
24 heading “Broadcasting Capital Improvements” that re-

1 main available for obligation as of the date of the enact-
2 ment of this Act, \$72,000 are rescinded.

3 (e) Of the unobligated balances available for the
4 Child Survival and Health Program Fund account, as
5 identified by Treasury Appropriation Fund Symbols 7206/
6 111095 and 7207/121095, \$6,317,000 are rescinded.

7 (f) Of the unobligated balances available for the De-
8 velopment Assistance account, as identified by Treasury
9 Appropriation Fund Symbols 7206/111021 and 7207/
10 121021, \$4,928,000 are rescinded.

11 (g) Of the unobligated balances available for the Eco-
12 nomic Support Fund account, as identified by Treasury
13 Appropriation Fund Symbols 7206/111037, 7207/121037,
14 \$6,179,000 are rescinded.

15 (h) Of the unobligated balances available for the As-
16 sistance for the Independent States of the Former Soviet
17 Union account, as identified by Treasury Appropriation
18 Fund Symbols 7206/111093 and 7207/121093,
19 \$3,294,000 are rescinded.

20 (i) Of the unobligated balances available for the
21 International Narcotics Control and Law Enforcement ac-
22 count, as identified by Treasury Appropriation Fund Sym-
23 bols, 11X1022, 1911X1022, 1106/121022, and 191105/
24 111022, \$11,143,000 are rescinded.

1 (j) Of the unobligated balances available for the As-
 2 sistance for Counternarcotics Activities account, as identi-
 3 fied by Treasury Appropriation Fund Symbol, 19X1154,
 4 \$3,148,000 are rescinded.

5 This division may be cited as the “Department of
 6 State, Foreign Operations, and Related Programs Appro-
 7 priations Act, 2011”.

8 **DIVISION L—TRANSPORTATION, AND**
 9 **HOUSING AND URBAN DEVELOPMENT,**
 10 **AND RELATED AGENCIES APPROPRIA-**
 11 **TIONS ACT, 2011**

12 TITLE I

13 DEPARTMENT OF TRANSPORTATION

14 OFFICE OF THE SECRETARY

15 SALARIES AND EXPENSES

16 For necessary expenses of the Office of the Secretary,
 17 \$115,509,000, of which not to exceed \$2,667,000 shall be
 18 available for the immediate Office of the Secretary; not
 19 to exceed \$1,000,000 shall be available for the Immediate
 20 Office of the Deputy Secretary; not to exceed \$19,960,000
 21 shall be available for the Office of the General Counsel;
 22 not to exceed \$16,568,000 shall be available for the Office
 23 of the Under Secretary of Transportation for Policy; not
 24 to exceed \$11,156,000 shall be available for the Office of
 25 the Assistant Secretary for Budget and Programs; not to

1 exceed \$2,500,000 shall be available for the Office of the
2 Assistant Secretary for Governmental Affairs; not to ex-
3 ceed \$25,695,000 shall be available for the Office of the
4 Assistant Secretary for Administration; not to exceed
5 \$2,055,000 shall be available for the Office of Public Af-
6 fairs; not to exceed \$1,683,000 shall be available for the
7 Office of the Executive Secretariat; not to exceed
8 \$1,563,000 shall be available for the Office of Small and
9 Disadvantaged Business Utilization; not to exceed
10 \$10,999,000 for the Office of Intelligence, Security, and
11 Emergency Response; and not to exceed \$19,663,000 shall
12 be available for the Office of the Chief Information Offi-
13 cer: *Provided*, That the Secretary of Transportation is au-
14 thorized to transfer funds appropriated for any office of
15 the Office of the Secretary to any other office of the Office
16 of the Secretary: *Provided further*, That no appropriation
17 for any office shall be increased or decreased by more than
18 5 percent by all such transfers: *Provided further*, That no-
19 tice of any change in funding greater than 5 percent shall
20 be submitted for approval to the House and Senate Com-
21 mittees on Appropriations: *Provided further*, That not to
22 exceed \$60,000 shall be for allocation within the Depart-
23 ment for official reception and representation expenses as
24 the Secretary may determine: *Provided further*, That not-
25 withstanding any other provision of law, excluding fees au-

1 thORIZED in Public Law 107–71, there may be credited to
2 this appropriation up to \$2,500,000 in funds received in
3 user fees: *Provided further*, That none of the funds pro-
4 vided in this Act shall be available for the position of As-
5 sistant Secretary for Public Affairs.

6 NATIONAL INFRASTRUCTURE INVESTMENT

7 For capital investments in transportation infrastruc-
8 ture, \$500,000,000, to remain available through Sep-
9 tember 30, 2013: *Provided*, That the Secretary of Trans-
10 portation shall distribute funds provided under this head-
11 ing as discretionary grants to be awarded to a State, local
12 government, transit agency, or a collaboration among such
13 entities on a competitive basis for projects that will have
14 a significant impact on the Nation, a metropolitan area,
15 or a region: *Provided further*, That projects eligible for
16 funding provided under this heading shall include, but not
17 be limited to, highway or bridge projects eligible under
18 title 23, United States Code; public transportation
19 projects eligible under chapter 53 of title 49, United
20 States Code; passenger and freight rail transportation
21 projects; and port infrastructure investments: *Provided*
22 *further*, That in distributing funds provided under this
23 heading, the Secretary shall take such measures so as to
24 ensure an equitable geographic distribution of funds, an
25 appropriate balance in addressing the needs of urban and

1 rural areas, and the investment in a variety of transpor-
2 tation modes: *Provided further*, That a grant funded under
3 this heading shall be not less than \$10,000,000 and not
4 greater than \$125,000,000: *Provided further*, That not
5 more than 25 percent of the funds made available under
6 this heading may be awarded to projects in a single State:
7 *Provided further*, That the Federal share of the costs for
8 which an expenditure is made under this heading shall be,
9 at the option of the recipient, up to 80 percent: *Provided*
10 *further*, That the Secretary shall give priority to projects
11 that require a contribution of Federal funds in order to
12 complete an overall financing package: *Provided further*,
13 That not less than \$100,000,000 of the funds provided
14 under this heading shall be for projects located in rural
15 areas: *Provided further*, That for projects located in rural
16 areas, the minimum grant size shall be \$1,000,000 and
17 the Secretary may increase the Federal share of costs
18 above 80 percent: *Provided further*, That of the amount
19 made available under this heading, the Secretary may
20 transfer to the Federal Highway Administration an
21 amount not to exceed \$60,000,000 for the purpose of pay-
22 ing the subsidy and administrative costs of projects eligi-
23 ble for federal credit assistance under chapter 6 of title
24 23, United States Code, if the Secretary finds that such
25 use of the funds would advance the purposes of this para-

1 graph: *Provided further*, That of the amount made avail-
2 able under this heading, the Secretary may use an amount
3 not to exceed \$20,000,000 for the planning, preparation
4 or design of projects eligible for funding under this head-
5 ing: *Provided further*, That projects conducted using funds
6 provided under this heading must comply with the require-
7 ments of subchapter IV of chapter 31 of title 40, United
8 States Code: *Provided further*, That the Secretary shall
9 publish criteria on which to base the competition for any
10 grants awarded under this heading no sooner than 60 days
11 after enactment of this Act, require applications for fund-
12 ing provided under this heading to be submitted no sooner
13 than 120 days after the publication of such criteria, and
14 announce all projects selected to be funded from funds
15 provided under this heading no sooner than September 15,
16 2011: *Provided further*, That the Secretary may retain up
17 to \$20,000,000 of the funds provided under this heading,
18 and may transfer portions of those funds to the Adminis-
19 trators of the Federal Highway Administration, the Fed-
20 eral Transit Administration, the Federal Railroad Admin-
21 istration, and the Federal Maritime Administration, to
22 fund the award and oversight of surface transportation
23 grants.

1 FINANCIAL MANAGEMENT CAPITAL

2 For necessary expenses for upgrading and enhancing
3 the Department of Transportation's financial systems and
4 re-engineering business processes, \$20,000,000, to remain
5 available through September 30, 2014.

6 CYBER SECURITY INITIATIVES

7 For necessary one-time expenses for cyber security
8 initiatives, including improvement of network perimeter
9 controls and identity management, testing and assessment
10 of information technology against business, security, and
11 other requirements, implementation of Federal cyber secu-
12 rity initiatives and information infrastructure enhance-
13 ments, implementation of enhanced security controls on
14 network devices, and enhancement of cyber security work-
15 force training tools, \$30,000,000, to remain available
16 through September 30, 2014.

17 OFFICE OF CIVIL RIGHTS

18 For necessary expenses of the Office of Civil Rights,
19 \$9,767,000.

20 TRANSPORTATION PLANNING, RESEARCH, AND

21 DEVELOPMENT

22 For necessary expenses for conducting transportation
23 planning, research, systems development, development ac-
24 tivities, and making grants, to remain available until ex-
25 pended, \$16,769,000.

WORKING CAPITAL FUND

1
2 For necessary expenses for operating costs and cap-
3 ital outlays of the Working Capital Fund, not to exceed
4 \$148,096,000, shall be paid from appropriations made
5 available to the Department of Transportation: *Provided*,
6 That such services shall be provided on a competitive basis
7 to entities within the Department of Transportation: *Pro-*
8 *vided further*, That the above limitation on operating ex-
9 penses shall not apply to non-DOT entities: *Provided fur-*
10 *ther*, That no funds appropriated in this Act to an agency
11 of the Department shall be transferred to the Working
12 Capital Fund without the approval of the agency modal
13 administrator: *Provided further*, That no assessments may
14 be levied against any program, budget activity, subactivity
15 or project funded by this Act unless notice of such assess-
16 ments and the basis therefor are presented to the House
17 and Senate Committees on Appropriations and are ap-
18 proved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

19
20 For the cost of guaranteed loans, \$329,000, as au-
21 thorized by 49 U.S.C. 332: *Provided*, That such costs, in-
22 cluding the cost of modifying such loans, shall be as de-
23 fined in section 502 of the Congressional Budget Act of
24 1974: *Provided further*, That these funds are available to
25 subsidize total loan principal, any part of which is to be

1 guaranteed, not to exceed \$18,367,000. In addition, for
2 administrative expenses to carry out the guaranteed loan
3 program, \$584,000.

4 MINORITY BUSINESS OUTREACH

5 For necessary expenses of Minority Business Re-
6 source Center outreach activities, \$3,553,000, to remain
7 available until September 30, 2012: *Provided*, That not-
8 withstanding 49 U.S.C. 332, these funds may be used for
9 business opportunities related to any mode of transpor-
10 tation.

11 PAYMENTS TO AIR CARRIERS

12 (AIRPORT AND AIRWAY TRUST FUND)

13 (INCLUDING TRANSFER OF FUNDS)

14 In addition to funds made available from any other
15 source to carry out the essential air service program under
16 49 U.S.C. 41731 through 41742, \$146,000,000, to be de-
17 rived from the Airport and Airway Trust Fund, to remain
18 available until expended: *Provided*, That, in determining
19 between or among carriers competing to provide service
20 to a community, the Secretary may consider the relative
21 subsidy requirements of the carriers: *Provided further*,
22 That, if the funds under this heading are insufficient to
23 meet the costs of the essential air service program in the
24 current fiscal year, the Secretary shall transfer such sums
25 as may be necessary to carry out the essential air service

1 program from any available amounts appropriated to or
2 directly administered by the Office of the Secretary for
3 such fiscal year.

4 ADMINISTRATIVE PROVISIONS—OFFICE OF THE
5 SECRETARY OF TRANSPORTATION

6 SEC. 101. None of the funds made available in this
7 Act to the Department of Transportation may be obligated
8 for the Office of the Secretary of Transportation to ap-
9 prove assessments or reimbursable agreements pertaining
10 to funds appropriated to the modal administrations in this
11 Act, except for activities underway on the date of enact-
12 ment of this Act, unless such assessments or agreements
13 have completed the normal reprogramming process for
14 Congressional notification.

15 SEC. 102. None of the funds made available under
16 this Act may be obligated or expended to establish or im-
17 plement a program under which essential air service com-
18 munities are required to assume subsidy costs commonly
19 referred to as the EAS local participation program.

20 SEC. 103. The Secretary or his designee may engage
21 in activities with States and State legislators to consider
22 proposals related to the reduction of motorcycle fatalities.

1 FEDERAL AVIATION ADMINISTRATION
2 OPERATIONS
3 (AIRPORT AND AIRWAY TRUST FUND)
4 (INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses of the Federal Aviation Ad-
6 ministration, not otherwise provided for, including oper-
7 ations and research activities related to commercial space
8 transportation, administrative expenses for research and
9 development, establishment of air navigation facilities, the
10 operation (including leasing) and maintenance of aircraft,
11 subsidizing the cost of aeronautical charts and maps sold
12 to the public, lease or purchase of passenger motor vehi-
13 cles for replacement only, in addition to amounts made
14 available by Public Law 108–176, \$9,817,739,000, of
15 which \$4,559,000,000 shall be derived from the Airport
16 and Airway Trust Fund, of which not to exceed
17 \$7,653,128,000 shall be available for air traffic organiza-
18 tion activities; not to exceed \$1,304,486,000 shall be avail-
19 able for aviation safety activities; not to exceed
20 \$16,747,000 shall be available for commercial space trans-
21 portation activities; not to exceed \$114,784,000 shall be
22 available for financial services activities; not to exceed
23 \$103,297,000 shall be available for human resources pro-
24 gram activities; not to exceed \$361,354,000 shall be avail-
25 able for region and center operations and regional coordi-

1 nation activities; not to exceed \$208,644,000 shall be
2 available for staff offices; and not to exceed \$55,949,000
3 shall be available for information services: *Provided*, That
4 the Secretary utilize not less than \$18,000,000 of the
5 funds provided for aviation safety activities to pay for staff
6 increases in the Office of Aviation Flight Standards and
7 the Office of Aircraft Certification: *Provided further*, That
8 none of the funds provided for increases to the staffs of
9 the aviation flight standards and aircraft certification of-
10 fices shall be used for other purposes: *Provided further*,
11 That not to exceed 2 percent of any budget activity, except
12 for aviation safety budget activity, may be transferred to
13 any budget activity under this heading: *Provided further*,
14 That no transfer may increase or decrease any appropria-
15 tion by more than 2 percent: *Provided further*, That any
16 transfer in excess of 2 percent shall be treated as a re-
17 programming of funds under section 405 of this Act and
18 shall not be available for obligation or expenditure except
19 in compliance with the procedures set forth in that section:
20 *Provided further*, That the Administrator shall study and
21 report to the House and Senate Committees on Appropria-
22 tions various alternatives for developing an objective, data-
23 driven test to be used in the placement of air traffic con-
24 trollers after the successful completion of their training
25 at the Federal Aviation Administration Academy: *Pro-*

1 *vided further*, That such study shall include an evaluation
2 of the amount of training controllers should receive at the
3 Academy: *Provided further*, That not later than March 31
4 of each fiscal year hereafter, the Administrator of the Fed-
5 eral Aviation Administration shall transmit to Congress
6 an annual update to the report submitted to Congress in
7 December 2004 pursuant to section 221 of Public Law
8 108–176: *Provided further*, That the amount herein appro-
9 priated shall be reduced by \$100,000 for each day after
10 March 31 that such report has not been submitted to the
11 Congress: *Provided further*, That not later than March 31
12 of each fiscal year hereafter, the Administrator shall
13 transmit to Congress a companion report that describes
14 a comprehensive strategy for staffing, hiring, and training
15 flight standards and aircraft certification staff in a format
16 similar to the one utilized for the controller staffing plan,
17 including stated attrition estimates and numerical hiring
18 goals by fiscal year, and a benchmark for assessing the
19 amount of time aviation inspectors spend directly observ-
20 ing industry field operations: *Provided further*, That the
21 amount herein appropriated shall be reduced by \$100,000
22 per day for each day after March 31 that such report has
23 not been submitted to Congress: *Provided further*, That
24 funds may be used to enter into a grant agreement with
25 a nonprofit standard-setting organization to assist in the

1 development of aviation safety standards: *Provided fur-*
2 *ther*, That none of the funds in this Act shall be available
3 for new applicants for the second career training program:
4 *Provided further*, That none of the funds in this Act shall
5 be available for the Federal Aviation Administration to fi-
6 nalize or implement any regulation that would promulgate
7 new aviation user fees not specifically authorized by law
8 after the date of the enactment of this Act: *Provided fur-*
9 *ther*, That there may be credited to this appropriation as
10 offsetting collections funds received from States, counties,
11 municipalities, foreign authorities, other public authori-
12 ties, and private sources for expenses incurred in the pro-
13 vision of agency services, including receipts for the mainte-
14 nance and operation of air navigation facilities, and for
15 issuance, renewal or modification of certificates, including
16 airman, aircraft, and repair station certificates, or for
17 tests related thereto, or for processing major repair or al-
18 teration forms: *Provided further*, That of the funds appro-
19 priated under this heading, not less than \$9,500,000 shall
20 be for the contract tower cost-sharing program: *Provided*
21 *further*, That none of the funds in this Act for aeronautical
22 charting and cartography are available for activities con-
23 ducted by, or coordinated through, the Working Capital
24 Fund.

1 FACILITIES AND EQUIPMENT

2 (AIRPORT AND AIRWAY TRUST FUND)

3 For necessary expenses, not otherwise provided for,
4 for acquisition, establishment, technical support services,
5 improvement by contract or purchase, and hire of national
6 airspace systems and experimental facilities and equip-
7 ment, as authorized under part A of subtitle VII of title
8 49, United States Code, including initial acquisition of
9 necessary sites by lease or grant; engineering and service
10 testing, including construction of test facilities and acqui-
11 sition of necessary sites by lease or grant; construction
12 and furnishing of quarters and related accommodations
13 for officers and employees of the Federal Aviation Admin-
14 istration stationed at remote localities where such accom-
15 modations are not available; and the purchase, lease, or
16 transfer of aircraft from funds available under this head-
17 ing, including aircraft for aviation regulation and certifi-
18 cation; to be derived from the Airport and Airway Trust
19 Fund, \$2,990,000,000, of which \$2,508,000,000 shall re-
20 main available until September 30, 2013, and of which
21 \$482,000,000 shall remain available until September 30,
22 2011: *Provided*, That of the funds provided under this
23 heading, \$25,000,000 is available for next generation air
24 transportation equipage: *Provided further*, That the Sec-
25 retary of Transportation shall use existing authorities to

1 distribute funds made available for next generation air
2 transportation equipage under the previous proviso to air
3 carriers, other certificate holders, and avionics manufac-
4 turers, or a collaboration among such entities, on a com-
5 petitive basis for projects that will demonstrate significant
6 benefits to the public, aviation industry or aircraft opera-
7 tors, and take such measures so as to give priority to
8 maximizing the anticipated public benefit and participant
9 contribution: *Provided further*, That the Federal share of
10 the costs for which an expenditure is made for next gen-
11 eration transportation equipage shall not exceed 80 per-
12 cent of the total cost of the proposed equipage program:
13 *Provided further*, That there may be credited to this appro-
14 priation funds received from States, counties, municipali-
15 ties, other public authorities, and private sources, for ex-
16 penses incurred in the establishment, improvement, and
17 modernization of national airspace systems: *Provided fur-*
18 *ther*, That upon initial submission to the Congress of the
19 fiscal year 2012 President's budget, the Secretary of
20 Transportation shall transmit to the Congress a com-
21 prehensive capital investment plan for the Federal Avia-
22 tion Administration which includes funding for each budg-
23 et line item for fiscal years 2012 through 2016, with total
24 funding for each year of the plan constrained to the fund-

1 ing targets for those years as estimated and approved by
2 the Office of Management and Budget.

3 RESEARCH, ENGINEERING, AND DEVELOPMENT

4 (AIRPORT AND AIRWAY TRUST FUND)

5 For necessary expenses, not otherwise provided for,
6 for research, engineering, and development, as authorized
7 under part A of subtitle VII of title 49, United States
8 Code, including construction of experimental facilities and
9 acquisition of necessary sites by lease or grant,
10 \$198,000,000, to be derived from the Airport and Airway
11 Trust Fund and to remain available until September 30,
12 2013: *Provided*, That there may be credited to this appro-
13 priation as offsetting collections, funds received from
14 States, counties, municipalities, other public authorities,
15 and private sources, which shall be available for expenses
16 incurred for research, engineering, and development.

17 GRANTS-IN-AID FOR AIRPORTS

18 (LIQUIDATION OF CONTRACT AUTHORIZATION)

19 (LIMITATION ON OBLIGATIONS)

20 (AIRPORT AND AIRWAY TRUST FUND)

21 For liquidation of obligations incurred for grants-in-
22 aid for airport planning and development, and noise com-
23 patibility planning and programs as authorized under sub-
24 chapter I of chapter 471 and subchapter I of chapter 475
25 of title 49, United States Code, and under other law au-

1 authorizing such obligations; for procurement, installation,
2 and commissioning of runway incursion prevention devices
3 and systems at airports of such title; for grants authorized
4 under section 41743 of title 49, United States Code; and
5 for inspection activities and administration of airport safe-
6 ty programs, including those related to airport operating
7 certificates under section 44706 of title 49, United States
8 Code, \$3,550,000,000 to be derived from the Airport and
9 Airway Trust Fund and to remain available until ex-
10 pended: *Provided*, That none of the funds under this head-
11 ing shall be available for the planning or execution of pro-
12 grams the obligations for which are in excess of
13 \$3,515,000,000 in fiscal year 2011, notwithstanding sec-
14 tion 47117(g) of title 49, United States Code: *Provided*
15 *further*, That none of the funds under this heading shall
16 be available for the replacement of baggage conveyor sys-
17 tems, reconfiguration of terminal baggage areas, or other
18 airport improvements that are necessary to install bulk ex-
19 plosive detection systems: *Provided further*, That notwith-
20 standing any other provision of law, of funds limited under
21 this heading, not more than \$99,622,000 shall be obli-
22 gated for administration, not less than \$15,000,000 shall
23 be available for the airport cooperative research program,
24 not less than \$27,217,000 shall be for Airport Technology
25 Research.

1 ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION

2 ADMINISTRATION

3 SEC. 110. None of the funds in this Act may be used
4 to compensate in excess of 600 technical staff-years under
5 the federally funded research and development center con-
6 tract between the Federal Aviation Administration and the
7 Center for Advanced Aviation Systems Development dur-
8 ing fiscal year 2011.

9 SEC. 111. None of the funds in this Act shall be used
10 to pursue or adopt guidelines or regulations requiring air-
11 port sponsors to provide to the Federal Aviation Adminis-
12 tration without cost building construction, maintenance,
13 utilities and expenses, or space in airport sponsor-owned
14 buildings for services relating to air traffic control, air
15 navigation, or weather reporting: *Provided*, That the pro-
16 hibition of funds in this section does not apply to negotia-
17 tions between the agency and airport sponsors to achieve
18 agreement on “below-market” rates for these items or to
19 grant assurances that require airport sponsors to provide
20 land without cost to the FAA for air traffic control facili-
21 ties.

22 SEC. 112. The Administrator of the Federal Aviation
23 Administration may reimburse amounts made available to
24 satisfy 49 U.S.C. 41742(a)(1) from fees credited under
25 49 U.S.C. 45303: *Provided*, That during fiscal year 2010,

1 49 U.S.C. 41742(b) shall not apply, and any amount re-
2 maining in such account at the close of that fiscal year
3 may be made available to satisfy section 41742(a)(1) for
4 the subsequent fiscal year.

5 SEC. 113. Amounts collected under section 40113(e)
6 of title 49, United States Code, shall be credited to the
7 appropriation current at the time of collection, to be
8 merged with and available for the same purposes of such
9 appropriation.

10 SEC. 114. None of the funds appropriated or limited
11 by this Act may be used to change weight restrictions or
12 prior permission rules at Teterboro airport in Teterboro,
13 New Jersey.

14 SEC. 115. None of the funds limited by this Act for
15 grants under the Airport Improvement Program shall be
16 made available to the sponsor of a commercial service air-
17 port if such sponsor fails to agree to a request from the
18 Secretary of Transportation for cost-free space in a non-
19 revenue producing, public use area of the airport terminal
20 or other airport facilities for the purpose of carrying out
21 a public service air passenger rights and consumer out-
22 reach campaign.

23 SEC. 116. None of the funds in this Act shall be avail-
24 able for paying premium pay under subsection 5546(a) of
25 title 5, United States Code, to any Federal Aviation Ad-

1 ministration employee unless such employee actually per-
2 formed work during the time corresponding to such pre-
3 mium pay.

4 SEC. 117. None of the funds in this Act may be obli-
5 gated or expended for an employee of the Federal Aviation
6 Administration to purchase a store gift card or gift certifi-
7 cate through use of a Government-issued credit card.

8 SEC. 118. The Secretary shall apportion to the spon-
9 sor of an airport that received scheduled or unscheduled
10 air service from a large certified air carrier (as defined
11 in part 241 of title 14 Code of Federal Regulations, or
12 such other regulations as may be issued by the Secretary
13 under the authority of section 41709) an amount equal
14 to the minimum apportionment specified in 49 U.S.C.
15 47114(c), if the Secretary determines that airport had
16 more than 10,000 passenger boardings in the preceding
17 calendar year, based on data submitted to the Secretary
18 under part 241 of title 14, Code of Federal Regulations.

19 SEC. 119. None of the funds in this Act may be obli-
20 gated or expended for retention bonuses for an employee
21 of the Federal Aviation Administration without the prior
22 written approval of the Deputy Assistant Secretary for
23 Administration of the Department of Transportation.

1 FEDERAL HIGHWAY ADMINISTRATION
2 LIMITATION ON ADMINISTRATIVE EXPENSES
3 (INCLUDING TRANSFER OF FUNDS)

4 Not to exceed \$420,843,000, together with advances
5 and reimbursements received by the Federal Highway Ad-
6 ministration, shall be paid in accordance with law from
7 appropriations made available by this Act to the Federal
8 Highway Administration for necessary expenses for ad-
9 ministration and operation. In addition, not to exceed
10 \$3,300,000 shall be paid from appropriations made avail-
11 able by this Act and transferred to the Appalachian Re-
12 gional Commission in accordance with section 104 of title
13 23, United States Code.

14 FEDERAL-AID HIGHWAYS
15 (LIMITATION ON OBLIGATIONS)
16 (HIGHWAY TRUST FUND)

17 None of the funds in this Act shall be available for
18 the implementation or execution of programs, the obliga-
19 tions for which are in excess of \$41,776,000,000 for Fed-
20 eral-aid highways and highway safety construction pro-
21 grams for fiscal year 2011: *Provided*, That within the
22 \$41,776,000,000 obligation limitation on Federal-aid
23 highways and highway safety construction programs, not
24 more than \$429,800,000 shall be available for the imple-
25 mentation or execution of programs for transportation re-

1 search (chapter 5 of title 23, United States Code; sections
2 111, 5505, and 5506 of title 49, United States Code; and
3 title 5 of Public Law 109–59) for fiscal year 2011: *Pro-*
4 *vided further*, That this limitation on transportation re-
5 search programs shall not apply to any authority pre-
6 viously made available for obligation: *Provided further*,
7 That the Secretary may, as authorized by section 605(b)
8 of title 23, United States Code, collect and spend fees to
9 cover the costs of services of expert firms, including coun-
10 sel, in the field of municipal and project finance to assist
11 in the underwriting and servicing of Federal credit instru-
12 ments and all or a portion of the costs to the Federal Gov-
13 ernment of servicing such credit instruments: *Provided*
14 *further*, That such fees are available until expended to pay
15 for such costs: *Provided further*, That such amounts are
16 in addition to administrative expenses that are also avail-
17 able for such purpose, and are not subject to any obliga-
18 tion limitation or the limitation on administrative expenses
19 under section 608 of title 23, United States Code.

20 (LIQUIDATION OF CONTRACT AUTHORIZATION)

21 (HIGHWAY TRUST FUND)

22 For carrying out the provisions of title 23, United
23 States Code, that are attributable to Federal-aid high-
24 ways, not otherwise provided, including reimbursement for
25 sums expended pursuant to the provisions of 23 U.S.C.

1 308, \$42,515,000,000 or so much thereof as may be avail-
2 able in and derived from the Highway Trust Fund (other
3 than the Mass Transit Account), to remain available until
4 expended.

5 (RESCISSION OF UNOBLIGATED BALANCES)

6 (HIGHWAY TRUST FUND)

7 Unobligated balances of funds made available for ob-
8 ligation under 23 U.S.C. 320, section 147 of Public Law
9 95-599, section 9(c) of Public Law 97-134, section 149
10 of Public Law 100-17, and sections 1006, 1069, 1103,
11 1104, 1105, 1106, 1107, 1108, 6005, 6015, and 6023 of
12 Public Law 102-240 are permanently rescinded. In addi-
13 tion, the unobligated balance available on September 30,
14 2011, under section 1602 of the Transportation Equity
15 Act for the 21st Century (Public Law 105-178) for each
16 project for which less than 10 percent of the amount au-
17 thorized for such project under such section has been obli-
18 gated is permanently rescinded. In addition, of the
19 amounts authorized for fiscal years 2005 through 2009
20 in section 1101(a)(16) of the Safe, Accountable, Flexible,
21 Efficient Transportation Equity Act: A Legacy for Users
22 (Public Law 109-59) to carry out the high priority
23 projects program under section 117 of title 23, United
24 States Code, that are not allocated for projects described

1 in section 1702 of such Act, \$8,190,335 are permanently
2 rescinded.

3 PLANNING CAPACITY GRANTS

4 For activities eligible under sections 134 and 135 of
5 title 23, United States Code, and sections 5303 and 5304
6 of title 49 of such Code, \$100,000,000, to remain available
7 through September 30, 2012: *Provided*, That the Sec-
8 retary of Transportation shall distribute funds provided
9 under this heading as discretionary grants to be awarded
10 to a metropolitan planning organization, or to a State,
11 local, tribal government, or agency thereof, on a competi-
12 tive basis for activities that will improve surface transpor-
13 tation planning: *Provided further*, That not less than
14 \$25,000,000 of the funds provided under this heading
15 shall be for grants that improve planning for rural areas:
16 *Provided further*, That up to \$12,000,000 of the funds
17 provided under this heading may be for grants that im-
18 prove public involvement in surface transportation plan-
19 ning: *Provided further*, That a grant funded under this
20 heading shall be not greater than \$5,000,000: *Provided*
21 *further*, That the Federal share of the costs for which an
22 expenditure is made under this heading shall be 80 per-
23 cent: *Provided further*, That the Secretary may retain up
24 to 1 percent of the funds provided under this section to
25 fund the award and oversight of grants made under this

1 heading: *Provided further*, That of the funds retained
2 under the previous proviso, 50 percent shall be available
3 to the Federal Highway Administration and 50 percent
4 shall be transferred to the Federal Transit Administra-
5 tion.

6 ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY

7 ADMINISTRATION

8 (INCLUDING RESCISSIONS)

9 SEC. 120. (a) For fiscal year 2011, the Secretary of
10 Transportation shall—

11 (1) not distribute from the obligation limitation
12 for Federal-aid highways amounts authorized for ad-
13 ministrative expenses and programs by section
14 104(a) of title 23, United States Code; programs
15 funded from the administrative takedown authorized
16 by section 104(a)(1) of title 23, United States Code
17 (as in effect on the date before the date of enact-
18 ment of the Safe, Accountable, Flexible, Efficient
19 Transportation Equity Act: A Legacy for Users); the
20 highway use tax evasion program; and the Bureau of
21 Transportation Statistics;

22 (2) not distribute an amount from the obliga-
23 tion limitation for Federal-aid highways that is equal
24 to the unobligated balance of amounts made avail-
25 able from the Highway Trust Fund (other than the

1 Mass Transit Account) for Federal-aid highways and
2 highway safety programs for previous fiscal years
3 the funds for which are allocated by the Secretary;

4 (3) determine the ratio that—

5 (A) the obligation limitation for Federal-
6 aid highways, less the aggregate of amounts not
7 distributed under paragraphs (1) and (2), bears
8 to

9 (B) the total of the sums authorized to be
10 appropriated for Federal-aid highways and
11 highway safety construction programs (other
12 than sums authorized to be appropriated for
13 provisions of law described in paragraphs (1)
14 through (9) of subsection (b) and sums author-
15 ized to be appropriated for section 105 of title
16 23, United States Code, equal to the amount
17 referred to in subsection (b)(10) for such fiscal
18 year), less the aggregate of the amounts not
19 distributed under paragraphs (1) and (2) of
20 this subsection;

21 (4)(A) distribute the obligation limitation for
22 Federal-aid highways, less the aggregate amounts
23 not distributed under paragraphs (1) and (2), for
24 sections 1301, 1302, and 1934 of the Safe, Account-
25 able, Flexible, Efficient Transportation Equity Act:

1 A Legacy for Users; sections 117 (but individually
2 for each project numbered 1 through 3676 listed in
3 the table contained in section 1702 of the Safe, Ac-
4 countable, Flexible, Efficient Transportation Equity
5 Act: A Legacy for Users) and section 144(g) of title
6 23, United States Code; and section 14501 of title
7 40, United States Code, so that the amount of obli-
8 gation authority available for each of such sections
9 is equal to the amount determined by multiplying
10 the ratio determined under paragraph (3) by the
11 sums authorized to be appropriated for that section
12 for the fiscal year; and

13 (B) distribute \$2,000,000,000 for section 105
14 of title 23, United States Code;

15 (5) distribute the obligation limitation provided
16 for Federal-aid highways, less the aggregate
17 amounts not distributed under paragraphs (1) and
18 (2) and amounts distributed under paragraph (4),
19 for each of the programs that are allocated by the
20 Secretary under the Safe, Accountable, Flexible, Ef-
21 ficient Transportation Equity Act: A Legacy for
22 Users and title 23, United States Code (other than
23 to programs to which paragraphs (1) and (4) apply),
24 by multiplying the ratio determined under paragraph

1 (3) by the amounts authorized to be appropriated
2 for each such program for such fiscal year; and

3 (6) distribute the obligation limitation provided
4 for Federal-aid highways, less the aggregate
5 amounts not distributed under paragraphs (1) and
6 (2) and amounts distributed under paragraphs (4)
7 and (5), for Federal-aid highways and highway safe-
8 ty construction programs (other than the amounts
9 apportioned for the equity bonus program, but only
10 to the extent that the amounts apportioned for the
11 equity bonus program for the fiscal year are greater
12 than \$2,639,000,000, and the Appalachian develop-
13 ment highway system program) that are apportioned
14 by the Secretary under the Safe, Accountable, Flexi-
15 ble, Efficient Transportation Equity Act: A Legacy
16 for Users and title 23, United States Code, in the
17 ratio that—

18 (A) amounts authorized to be appropriated
19 for such programs that are apportioned to each
20 State for such fiscal year, bear to

21 (B) the total of the amounts authorized to
22 be appropriated for such programs that are ap-
23 portioned to all States for such fiscal year.

24 (b) EXCEPTIONS FROM OBLIGATION LIMITATION.—

25 The obligation limitation for Federal-aid highways shall

1 not apply to obligations: (1) under section 125 of title 23,
2 United States Code; (2) under section 147 of the Surface
3 Transportation Assistance Act of 1978; (3) under section
4 9 of the Federal-Aid Highway Act of 1981; (4) under sub-
5 sections (b) and (j) of section 131 of the Surface Trans-
6 portation Assistance Act of 1982; (5) under subsections
7 (b) and (c) of section 149 of the Surface Transportation
8 and Uniform Relocation Assistance Act of 1987; (6) under
9 sections 1103 through 1108 of the Intermodal Surface
10 Transportation Efficiency Act of 1991; (7) under section
11 157 of title 23, United States Code, as in effect on the
12 day before the date of the enactment of the Transpor-
13 tation Equity Act for the 21st Century; (8) under section
14 105 of title 23, United States Code, as in effect for fiscal
15 years 1998 through 2004, but only in an amount equal
16 to \$639,000,000 for each of those fiscal years; (9) for
17 Federal-aid highway programs for which obligation au-
18 thority was made available under the Transportation Eq-
19 uity Act for the 21st Century or subsequent public laws
20 for multiple years or to remain available until used, but
21 only to the extent that the obligation authority has not
22 lapsed or been used; (10) under section 105 of title 23,
23 United States Code, but only in an amount equal to
24 \$639,000,000 for each of fiscal years 2005 through 2011;
25 and (11) under section 1603 of the Safe, Accountable,

1 Flexible, Efficient Transportation Equity Act: A Legacy
2 for Users, to the extent that funds obligated in accordance
3 with that section were not subject to a limitation on obli-
4 gations at the time at which the funds were initially made
5 available for obligation.

6 (c) REDISTRIBUTION OF UNUSED OBLIGATION AU-
7 THORITY.—Notwithstanding subsection (a), the Secretary
8 shall, after August 1 of such fiscal year, revise a distribu-
9 tion of the obligation limitation made available under sub-
10 section (a) if the amount distributed cannot be obligated
11 during that fiscal year and redistribute sufficient amounts
12 to those States able to obligate amounts in addition to
13 those previously distributed during that fiscal year, giving
14 priority to those States having large unobligated balances
15 of funds apportioned under sections 104 and 144 of title
16 23, United States Code.

17 (d) APPLICABILITY OF OBLIGATION LIMITATIONS TO
18 TRANSPORTATION RESEARCH PROGRAMS.—The obliga-
19 tion limitation shall apply to transportation research pro-
20 grams carried out under chapter 5 of title 23, United
21 States Code, and title V (research title) of the Safe, Ac-
22 countable, Flexible, Efficient Transportation Equity Act:
23 A Legacy for Users, except that obligation authority made
24 available for such programs under such limitation shall re-
25 main available for a period of 3 fiscal years and shall be

1 in addition to the amount of any limitation imposed on
2 obligations for Federal-aid highway and highway safety
3 construction programs for future fiscal years.

4 (e) REDISTRIBUTION OF CERTAIN AUTHORIZED
5 FUNDS.—

6 (1) IN GENERAL.—Not later than 30 days after
7 the date of the distribution of obligation limitation
8 under subsection (a), the Secretary shall distribute
9 to the States any funds that—

10 (A) are authorized to be appropriated for
11 such fiscal year for Federal-aid highways pro-
12 grams; and

13 (B) the Secretary determines will not be
14 allocated to the States, and will not be available
15 for obligation, in such fiscal year due to the im-
16 position of any obligation limitation for such
17 fiscal year.

18 (2) RATIO.—Funds shall be distributed under
19 paragraph (1) in the same ratio as the distribution
20 of obligation authority under subsection (a)(6).

21 (3) AVAILABILITY.—Funds distributed under
22 paragraph (1) shall be available for any purposes de-
23 scribed in section 133(b) of title 23, United States
24 Code.

1 (f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

5 (1) remain available until used for obligation of funds for that provision; and

7 (2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

11 (g) HIGH PRIORITY PROJECT FLEXIBILITY.—

12 (1) IN GENERAL.—Subject to paragraph (2), obligation authority distributed for such fiscal year under subsection (a)(4) for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users may be obligated for any other project in such section in the same State.

20 (2) RESTORATION.—Obligation authority used as described in paragraph (1) shall be restored to the original purpose on the date on which obligation authority is distributed under this section for the next fiscal year following obligation under paragraph (1).

1 (h) LIMITATION ON STATUTORY CONSTRUCTION.—
2 Nothing in this section shall be construed to limit the dis-
3 tribution of obligation authority under subsection
4 (a)(4)(A) for each of the individual projects numbered
5 greater than 3676 listed in the table contained in section
6 1702 of the Safe, Accountable, Flexible, Efficient Trans-
7 portation Equity Act: A Legacy for Users.

8 SEC. 121. Notwithstanding 31 U.S.C. 3302, funds re-
9 ceived by the Bureau of Transportation Statistics from the
10 sale of data products, for necessary expenses incurred pur-
11 suant to 49 U.S.C. 111 may be credited to the Federal-
12 aid highways account for the purpose of reimbursing the
13 Bureau for such expenses: *Provided*, That such funds shall
14 be subject to the obligation limitation for Federal-aid
15 highways and highway safety construction.

16 SEC. 122. Not less than 15 days prior to waiving,
17 under his statutory authority, any Buy America require-
18 ment for Federal-aid highway projects, the Secretary of
19 Transportation shall make an informal public notice and
20 comment opportunity on the intent to issue such waiver
21 and the reasons therefor: *Provided*, That the Secretary
22 shall provide an annual report to the Appropriations Com-
23 mittees of the Congress on any waivers granted under the
24 Buy America requirements.

1 SEC. 123. (a) IN GENERAL.—Except as provided in
2 subsection (b), none of the funds made available, limited,
3 or otherwise affected by this Act shall be used to approve
4 or otherwise authorize the imposition of any toll on any
5 segment of highway located on the Federal-aid system in
6 the State of Texas that—

7 (1) as of the date of enactment of this Act, is
8 not tolled;

9 (2) is constructed with Federal assistance pro-
10 vided under title 23, United States Code; and

11 (3) is in actual operation as of the date of en-
12 actment of this Act.

13 (b) EXCEPTIONS.—

14 (1) NUMBER OF TOLL LANES.—Subsection (a)
15 shall not apply to any segment of highway on the
16 Federal-aid system described in that subsection that,
17 as of the date on which a toll is imposed on the seg-
18 ment, will have the same number of nontoll lanes as
19 were in existence prior to that date.

20 (2) HIGH-OCCUPANCY VEHICLE LANES.—A
21 high-occupancy vehicle lane that is converted to a
22 toll lane shall not be subject to this section, and
23 shall not be considered to be a nontoll lane for pur-
24 poses of determining whether a highway will have

1 fewer nontoll lanes than prior to the date of imposi-
2 tion of the toll, if—

3 (A) high-occupancy vehicles occupied by
4 the number of passengers specified by the enti-
5 ty operating the toll lane may use the toll lane
6 without paying a toll, unless otherwise specified
7 by the appropriate county, town, municipal or
8 other local government entity, or public toll
9 road or transit authority; or

10 (B) each high-occupancy vehicle lane that
11 was converted to a toll lane was constructed as
12 a temporary lane to be replaced by a toll lane
13 under a plan approved by the appropriate coun-
14 ty, town, municipal or other local government
15 entity, or public toll road or transit authority.

16 SEC. 124. There is hereby appropriated to the Sec-
17 retary of Transportation for the necessary expenses of cer-
18 tain highway and surface transportation projects,
19 \$226,860,000, to remain available until expended: *Pro-*
20 *vided*, That the amount provided by this section shall be
21 made available for the programs, projects, and activities
22 identified under this section in the Committee report ac-
23 companying this Act: *Provided further*, That funds pro-
24 vided by this section, at the request of a State, shall be
25 transferred by the Secretary of Transportation to another

1 Federal agency: *Provided further*, That the Federal share
2 payable on account of any program, project, or activity
3 carried out with funds provided under this section shall
4 be 100 percent: *Provided further*, That none of the funds
5 set aside by this section shall be subject to any limitation
6 on obligations for Federal-aid highways and highway safe-
7 ty construction programs set forth in this Act or any other
8 Act.

9 SEC. 125. Of the unobligated balances made available
10 under Public Law 101–516, Public Law 102–143, Public
11 Law 103–331, and Public Law 106–346, \$33,905,809 are
12 rescinded: *Provided*, That in administering the rescission
13 required under this section, the Secretary of Transpor-
14 tation shall first consider: (1) projects where the des-
15 ignated purpose has been completed and the remaining
16 funds are no longer needed to meet that purpose; and (2)
17 projects with more than 90 percent of the appropriated
18 amount remaining available for obligation.

19 SEC. 126. Of the amounts made available for “High-
20 way Related Safety Grants” by section 402 of title 23,
21 United States Code, and administered by the Federal
22 Highway Administration, \$3,651 in unobligated balances
23 are rescinded.

24 SEC. 127. For the Capitol Street Renaissance Project
25 transportation improvements, MS; the Interstate 55 Inter-

1 change Lighting, MS; the Jonestown Bypass, MS; and the
2 Statesman Boulevard and Trail, MS; as listed under the
3 heading Delta Region Transportation Development Pro-
4 gram in the explanatory statement accompanying the Con-
5 solidated Appropriations Act, 2010 (Public Law 111-
6 117), \$901,018, to remain available until expended: *Pro-*
7 *vided*, That the amount provided under this section shall
8 be distributed among the listed projects in proportion to
9 the listed dollar amount of each such project so that each
10 project so listed be funded at an amount not to exceed
11 93.5 percent of the amount so authorized: *Provided fur-*
12 *ther*, That the funds provided under this section shall be
13 administered in the same manner as the funds authorized
14 under section 1308 of the Safe, Accountable, Flexible, Ef-
15 ficient Transportation Equity Act: A Legacy for Users
16 (Public Law 109-59): *Provided further*, That none of the
17 funds provided under this section shall be subject to any
18 limitation on obligations for Federal-aid highways and
19 highway safety construction programs set forth in this Act
20 or any other Act.

1 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

2 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

3 (LIQUIDATION OF CONTRACT AUTHORIZATION)

4 (LIMITATION ON OBLIGATIONS)

5 (HIGHWAY TRUST FUND)

6 For payment of obligations incurred in the implemen-
7 tation, execution and administration of motor carrier safe-
8 ty operations and programs pursuant to section 31104(i)
9 of title 49, United States Code, and sections 4127 and
10 4134 of Public Law 109–59, \$252,553,000, to be derived
11 from the Highway Trust Fund (other than the Mass Tran-
12 sit Account), together with advances and reimbursements
13 received by the Federal Motor Carrier Safety Administra-
14 tion, the sum of which shall remain available until ex-
15 pended: *Provided*, That none of the funds derived from
16 the Highway Trust Fund in this Act shall be available for
17 the implementation, execution or administration of pro-
18 grams, the obligations for which are in excess of
19 \$252,553,000, for “Motor Carrier Safety Operations and
20 Programs” of which \$8,586,000, to remain available for
21 obligation until September 30, 2013, is for the research
22 and technology program and \$1,000,000 shall be available
23 for commercial motor vehicle operator’s grants to carry
24 out section 4134 of Public Law 109–59: *Provided further*,
25 That an additional \$7,325,000 shall be appropriated from

1 the Highway Trust Fund for the execution and adminis-
 2 tration of information management operations and pro-
 3 grams: *Provided further*, That notwithstanding any other
 4 provision of law, none of the funds under this heading for
 5 outreach and education shall be available for transfer: *Pro-*
 6 *vided further*, That the Federal Motor Carrier Safety Ad-
 7 ministration shall transmit to Congress a report on March
 8 30, 2011, and September 30, 2011, on the agency’s ability
 9 to meet its requirement to conduct compliance reviews on
 10 high-risk carriers.

11 MOTOR CARRIER SAFETY GRANTS

12 (LIQUIDATION OF CONTRACT AUTHORIZATION)

13 (LIMITATION ON OBLIGATIONS)

14 (HIGHWAY TRUST FUND)

15 (INCLUDING RESCISSION)

16 For payment of obligations incurred in carrying out
 17 sections 31102, 31104(a), 31106, 31107, 31109, 31309,
 18 31313 of title 49, United States Code, and sections 4126
 19 and 4128 of Public Law 109–59, \$310,070,000, to be de-
 20 rived from the Highway Trust Fund (other than the Mass
 21 Transit Account) and to remain available until expended:
 22 *Provided*, That none of the funds in this Act shall be avail-
 23 able for the implementation or execution of programs, the
 24 obligations for which are in excess of \$310,070,000, for
 25 “Motor Carrier Safety Grants”; of which \$212,070,000

1 shall be available for the motor carrier safety assistance
2 program to carry out sections 31102 and 31104(a) of title
3 49, United States Code; \$25,000,000 shall be available for
4 the commercial driver's license improvements program to
5 carry out section 31313 of title 49, United States Code;
6 \$32,000,000 shall be available for the border enforcement
7 grants program to carry out section 31107 of title 49,
8 United States Code; \$5,000,000 shall be available for the
9 performance and registration information system manage-
10 ment program to carry out sections 31106(b) and 31109
11 of title 49, United States Code; \$25,000,000 shall be
12 available for the commercial vehicle information systems
13 and networks deployment program to carry out section
14 4126 of Public Law 109-59; \$3,000,000 shall be available
15 for the safety data improvement program to carry out sec-
16 tion 4128 of Public Law 109-59; and \$8,000,000 shall
17 be available for the commercial driver's license information
18 system modernization program to carry out section
19 31309(e) of title 49, United States Code: *Provided further,*
20 That of the funds made available for the motor carrier
21 safety assistance program, \$32,000,000 shall be available
22 for audits of new entrant motor carriers: *Provided further,*
23 That of the amount made available under this heading for
24 the commercial driver's license information system mod-
25 ernization program, \$3,000,000 shall be made available

1 for audits of new entrant motor carriers to carry out sec-
 2 tion 4107(b) of Public Law 109–59, and 31104(a) of title
 3 49, United States Code, and \$5,000,000 shall be made
 4 available for the commercial driver’s license improvements
 5 program to carry out section 31313 of title 49, United
 6 States Code: *Provided further*, That \$30,569,000 in unob-
 7 ligated balances are permanently rescinded.

8 MOTOR CARRIER SAFETY

9 (HIGHWAY TRUST FUND)

10 (RESCISSION)

11 Of the amounts made available under this heading
 12 in prior appropriations Acts, \$7,330,000 in unobligated
 13 balances are permanently rescinded.

14 NATIONAL MOTOR CARRIER SAFETY PROGRAM

15 (HIGHWAY TRUST FUND)

16 (RESCISSION)

17 Of the amounts made available under this heading
 18 in prior appropriations Acts, \$15,076,000 in unobligated
 19 balances are permanently rescinded.

20 ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER

21 SAFETY ADMINISTRATION

22 SEC. 135. Funds appropriated or limited in this Act
 23 shall be subject to the terms and conditions stipulated in
 24 section 350 of Public Law 107–87 and section 6901 of
 25 Public Law 110–28, including that the Secretary submit

1 a report to the House and Senate Appropriations Commit-
 2 tees annually on the safety and security of transportation
 3 into the United States by Mexico-domiciled motor carriers.

4 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
 5 OPERATIONS AND RESEARCH

6 For expenses necessary to discharge the functions of
 7 the Secretary, with respect to traffic and highway safety
 8 under subtitle C of title X of Public Law 109–59 and
 9 chapter 301 and part C of subtitle VI of title 49, United
 10 States Code, \$163,177,000, of which \$44,945,000 shall
 11 remain available through September 30, 2012: *Provided,*
 12 That none of the funds appropriated by this Act may be
 13 obligated or expended to plan, finalize, or implement any
 14 rulemaking to add to section 575.104 of title 49 of the
 15 Code of Federal Regulations any requirement pertaining
 16 to a grading standard that is different from the three
 17 grading standards (treadwear, traction, and temperature
 18 resistance) already in effect.

19 OPERATIONS AND RESEARCH

20 (LIQUIDATION OF CONTRACT AUTHORIZATION)

21 (LIMITATION ON OBLIGATIONS)

22 (HIGHWAY TRUST FUND)

23 For payment of obligations incurred in carrying out
 24 the provisions of 23 U.S.C. 403, \$110,073,000 to be de-
 25 rived from the Highway Trust Fund (other than the Mass

1 Transit Account) and to remain available until expended:
2 *Provided*, That none of the funds in this Act shall be avail-
3 able for the planning or execution of programs the total
4 obligations for which, in fiscal year 2011, are in excess
5 of \$110,073,000 for programs authorized under 23 U.S.C.
6 403: *Provided further*, That within the \$110,073,000 obli-
7 gation limitation for operations and research, \$29,737,000
8 shall remain available until September 30, 2012 and shall
9 be in addition to the amount of any limitation imposed
10 on obligations for future years.

11 NATIONAL DRIVER REGISTER
12 (LIQUIDATION OF CONTRACT AUTHORIZATION)
13 (LIMITATION ON OBLIGATIONS)
14 (HIGHWAY TRUST FUND)

15 For payment of obligations incurred in carrying out
16 chapter 303 of title 49, United States Code, \$4,170,000,
17 to be derived from the Highway Trust Fund (other than
18 the Mass Transit Account) and to remain available until
19 expended: *Provided*, That none of the funds in this Act
20 shall be available for the implementation or execution of
21 programs the total obligations for which, in fiscal year
22 2011, are in excess of \$4,170,000 for the National Driver
23 Register authorized under such chapter.

1 NATIONAL DRIVER REGISTER MODERNIZATION

2 For an additional amount for the “National Driver
3 Register” as authorized by chapter 303 of title 49, United
4 States Code, \$2,530,000, to remain available through Sep-
5 tember 30, 2012: *Provided*, That the funding made avail-
6 able under this heading shall be used to continue the mod-
7 ernization of the National Driver Register.

8 HIGHWAY TRAFFIC SAFETY GRANTS

9 (LIQUIDATION OF CONTRACT AUTHORIZATION)

10 (LIMITATION ON OBLIGATIONS)

11 (HIGHWAY TRUST FUND)

12 For payment of obligations incurred in carrying out
13 the provisions of 23 U.S.C. 402, 405, 406, 408, and 410
14 and sections 2001(a)(11), 2009, 2010, and 2011 of Public
15 Law 109–59, to remain available until expended,
16 \$611,828,000 to be derived from the Highway Trust Fund
17 (other than the Mass Transit Account): *Provided*, That
18 none of the funds in this Act shall be available for the
19 planning or execution of programs the total obligations for
20 which, in fiscal year 2011, are in excess of \$611,828,000
21 for programs authorized under 23 U.S.C. 402, 405, 406,
22 408, and 410 and sections 2001(a)(11), 2009, 2010, and
23 2011 of Public Law 109–59, of which \$235,000,000 shall
24 be for “Highway Safety Programs” under 23 U.S.C. 402;
25 \$25,000,000 shall be for “Occupant Protection Incentive

1 Grants” under 23 U.S.C. 405; \$110,000,000 shall be for
2 “Safety Belt Performance Grants” under 23 U.S.C. 406,
3 and such obligation limitation shall remain available until
4 September 30, 2012 in accordance with subsection (f) of
5 such section 406 and shall be in addition to the amount
6 of any limitation imposed on obligations for such grants
7 for future fiscal years, of which up to \$50,000,000 may
8 be made available by the Secretary as grants to States
9 that enact and enforce laws to prevent distracted driving;
10 \$34,500,000 shall be for “State Traffic Safety Informa-
11 tion System Improvements” under 23 U.S.C. 408;
12 \$139,000,000 shall be for “Alcohol-Impaired Driving
13 Countermeasures Incentive Grant Program” under 23
14 U.S.C. 410; \$25,328,000 shall be for “Administrative Ex-
15 penses” under section 2001(a)(11) of Public Law 109–
16 59; \$29,000,000 shall be for “High Visibility Enforcement
17 Program” under section 2009 of Public Law 109–59;
18 \$7,000,000 shall be for “Motorcyclist Safety” under sec-
19 tion 2010 of Public Law 109–59; and \$7,000,000 shall
20 be for “Child Safety and Child Booster Seat Safety Incen-
21 tive Grants” under section 2011 of Public Law 109–59:
22 *Provided further*, That of the funds made available for
23 grants to States that enact and enforce laws to prevent
24 distracted driving, up to \$5,000,000 may be available for
25 the development, production, and use of broadcast and

1 print media advertising for distracted driving prevention:
2 *Provided further*, That none of these funds shall be used
3 for construction, rehabilitation, or remodeling costs, or for
4 office furnishings and fixtures for State, local or private
5 buildings or structures: *Provided further*, That not to ex-
6 ceed \$500,000 of the funds made available for section 410
7 “Alcohol-Impaired Driving Countermeasures Grants”
8 shall be available for technical assistance to the States:
9 *Provided further*, That not to exceed \$750,000 of the
10 funds made available for the “High Visibility Enforcement
11 Program” shall be available for the evaluation required
12 under section 2009(f) of Public Law 109–59.

13 ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY

14 TRAFFIC SAFETY ADMINISTRATION

15 (INCLUDING RESCISSIONS)

16 SEC. 140. Notwithstanding any other provision of law
17 or limitation on the use of funds made available under
18 section 403 of title 23, United States Code, an additional
19 \$130,000 shall be made available to the National Highway
20 Traffic Safety Administration, out of the amount limited
21 for section 402 of title 23, United States Code, to pay
22 for travel and related expenses for State management re-
23 views and to pay for core competency development train-
24 ing and related expenses for highway safety staff.

1 SEC. 141. The limitations on obligations for the pro-
2 grams of the National Highway Traffic Safety Adminis-
3 tration set in this Act shall not apply to obligations for
4 which obligation authority was made available in previous
5 public laws for multiple years but only to the extent that
6 the obligation authority has not lapsed or been used.

7 SEC. 142. Of the amounts available for the Consumer
8 Assistance to Recycle and Save Program, \$16,000,000 in
9 unobligated balances are rescinded.

10 SEC. 143. Of the amounts made available under the
11 heading “National Driver Register (Liquidation of Con-
12 tract Authorization) (Limitation on Obligations) (High-
13 way Trust Fund)” in prior appropriations Acts, \$24,000
14 in unobligated balances are permanently rescinded.

15 SEC. 144. Of the amounts made available under the
16 heading “Highway Traffic Safety Grants (Liquidation of
17 Contract Authorization) (Limitation on Obligations)
18 (Highway Trust Fund)” in prior appropriations Acts,
19 \$78,847,000 in unobligated balances are permanently re-
20 scinded.

21 FEDERAL RAILROAD ADMINISTRATION

22 SAFETY AND OPERATIONS

23 For necessary expenses of the Federal Railroad Ad-
24 ministration, not otherwise provided for, \$203,348,000, of
25 which \$8,380,000 shall remain available through Sep-

1 tember 30, 2012, and \$24,913,000 shall remain available
2 through September 30, 2015.

3 RAILROAD RESEARCH AND DEVELOPMENT

4 For necessary expenses for railroad research and de-
5 velopment, \$40,000,000, to remain available until ex-
6 pended.

7 RAILROAD SAFETY TECHNOLOGY PROGRAM

8 For necessary expenses of carrying out section 20158
9 of title 49, United States Code, \$75,000,000, to remain
10 available until expended: *Provided*, That to be eligible for
11 assistance under this heading, an entity need not have de-
12 veloped plans required under subsection 20156(e)(2) of
13 title 49, United States Code, and section 20157 of such
14 title.

15 RAILROAD REHABILITATION AND IMPROVEMENT

16 FINANCING PROGRAM

17 The Secretary of Transportation is authorized to
18 issue to the Secretary of the Treasury notes or other obli-
19 gations pursuant to section 512 of the Railroad Revitaliza-
20 tion and Regulatory Reform Act of 1976 (Public Law 94-
21 210), as amended, in such amounts and at such times as
22 may be necessary to pay any amounts required pursuant
23 to the guarantee of the principal amount of obligations
24 under sections 511 through 513 of such Act, such author-
25 ity to exist as long as any such guaranteed obligation is

1 outstanding: *Provided*, That pursuant to section 502 of
2 such Act, as amended, no new direct loans or loan guar-
3 antee commitments shall be made using Federal funds for
4 the credit risk premium during fiscal year 2011.

5 CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS
6 AND INTERCITY PASSENGER RAIL SERVICE

7 To enable the Secretary of Transportation to make
8 grants for high-speed rail projects as authorized under
9 section 26106 of title 49, United States Code, capital in-
10 vestment grants to support intercity passenger rail service
11 as authorized under section 24406 of title 49, United
12 States Code, and congestion grants as authorized under
13 section 24105 of title 49, United States Code, and to enter
14 into cooperative agreements for these purposes as author-
15 ized, \$1,000,000,000, to remain available until expended:
16 *Provided*, That up to \$50,000,000 of funds provided under
17 this paragraph are available to the Administrator of the
18 Federal Railroad Administration to fund the award and
19 oversight by the Administrator of grants and cooperative
20 agreements for intercity and high-speed rail: *Provided fur-*
21 *ther*, That up to \$30,000,000 of the funds provided under
22 this paragraph are available to the Administrator for the
23 purposes of conducting research and demonstrating tech-
24 nologies supporting the development of high-speed rail in
25 the United States, including the demonstration of next-

1 generation rolling stock fleet technology and the imple-
2 mentation of the Rail Cooperative Research Program au-
3 thorized by section 24910 of title 49, United States Code:
4 *Provided further*, That the national rail plan shall include
5 a map depicting all high-speed rail service envisioned in
6 the plan and the estimated cost to complete that service:
7 *Provided further*, That up to \$50,000,000 of the funds
8 provided under this paragraph may be used for planning
9 activities that lead directly to the development of a pas-
10 senger rail corridor investment plan consistent with the
11 requirements established by the Administrator or a State
12 rail plan consistent with chapter 227 of title 49, United
13 States Code: *Provided further*, That the Secretary may re-
14 tain a portion of the funds made available for planning
15 activities under the previous proviso to facilitate the prep-
16 aration of a service development plan and related environ-
17 mental impact statement for high-speed corridors located
18 in multiple States: *Provided further*, That not less than
19 85 percent of the funds provided under this heading shall
20 be for cooperative agreements that lead to the development
21 of entire segments or phases of intercity or high-speed rail
22 corridors: *Provided further*, That at least 30 days prior
23 to issuing a letter of intent or cooperative agreement pur-
24 suant to section 24402(f) of title 49, United States Code,
25 for a major corridor development program, the Secretary

1 shall provide to the House and Senate Committees on Ap-
2 propriations written notification consisting of a business
3 and public investment case for the proposed corridor pro-
4 gram which shall include: a comprehensive analysis of the
5 monetary and nonmonetary costs and benefits of the cor-
6 ridor development program; an assessment of ridership,
7 passenger travel time reductions, congestion relief bene-
8 fits, environmental benefits, economic benefits, and other
9 public benefits; operating financial forecasts for the pro-
10 gram; a full capital cost estimation for the entire project,
11 including the amount, source and security of non-Federal
12 funds to complete the project; a summary of the grants
13 management plan and an evaluation of the grantee's abil-
14 ity to sustain the project: *Provided further*, That the Fed-
15 eral share payable of the costs for which a grant or cooper-
16 ative agreements is made under this heading shall be de-
17 termined in accordance with the provisions of Public Law
18 110-432, except that the local share of expenditures shall
19 be no less than 10 percent: *Provided further*, That in addi-
20 tion to the provisions of title 49, United States Code, that
21 apply to each of the individual programs funded under this
22 heading, subsections 24402(a)(2), 24402(f), 24402(i), and
23 24403(a) and (c) of title 49, United States Code, shall
24 also apply to the provision of funds provided under this
25 heading: *Provided further*, That a project need not be in

1 a State rail plan developed under chapter 227 of title 49,
2 United States Code, to be eligible for assistance under this
3 heading: *Provided further*, That recipients of grants under
4 this paragraph shall conduct all procurement transactions
5 using such grant funds in a manner that provides full and
6 open competition, as determined by the Secretary, in com-
7 pliance with existing labor agreements.

8 OPERATING GRANTS TO THE NATIONAL RAILROAD
9 PASSENGER CORPORATION

10 To enable the Secretary of Transportation to make
11 quarterly grants to the National Railroad Passenger Cor-
12 poration for the operation of intercity passenger rail, as
13 authorized by section 101 of the Passenger Rail Invest-
14 ment and Improvement Act of 2008 (division B of Public
15 Law 110–432), \$563,000,000, to remain available until
16 expended: *Provided*, That each grant request shall be ac-
17 companied by a detailed financial analysis, revenue projec-
18 tion, and capital expenditure projection justifying the Fed-
19 eral support to the Secretary’s satisfaction: *Provided fur-*
20 *ther*, That concurrent with the President’s budget request
21 for fiscal year 2012, the Corporation shall submit to the
22 House and Senate Committees on Appropriations a budget
23 request for fiscal year 2012 in similar format and sub-
24 stance to those submitted by executive agencies of the
25 Federal Government: *Provided further*, That the Amtrak

1 Inspector General shall provide semiannual reports to the
2 House and Senate Committees on Appropriations on the
3 estimated savings accrued as a result of all operational
4 reforms instituted by the Corporation and estimations of
5 possible future savings: *Provided further*, That the budget,
6 business plan and the 5-Year Financial Plan shall include
7 annual information on the maintenance, refurbishment,
8 replacement, and expansion for all Amtrak rolling stock
9 consistent with the comprehensive fleet plan: *Provided fur-*
10 *ther*, That the Corporation shall notify the House and Sen-
11 ate Committees on Appropriations 5 days before making
12 public any changes to the Corporation's budget, business
13 plan, 5-Year Financial Plan, semiannual reports, or grant
14 and legislative request, or any debt application.

15 CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL
16 RAILROAD PASSENGER CORPORATION

17 To enable the Secretary of Transportation to make
18 grants to the National Railroad Passenger Corporation for
19 capital investments as authorized by section 101(c) and
20 219(b) of the Passenger Rail Investment and Improve-
21 ment Act of 2008 (division B of Public Law 110-432),
22 \$1,338,484,000, to remain available until expended, of
23 which not to exceed \$277,000,000 shall be for debt service
24 obligations as authorized by section 102 of such Act: *Pro-*
25 *vided*, That after an initial distribution of up to

1 \$200,000,000, which shall be used by the Corporation as
2 a working capital account, all remaining funds shall be
3 provided to the Corporation only on a reimbursable basis:
4 *Provided further*, That the Secretary may retain up to one-
5 half of 1 percent of the funds provided under this heading
6 to fund the costs of project management oversight of cap-
7 ital projects funded by grants provided under this heading,
8 as authorized by subsection 101(d) of division B of Public
9 Law 110-432: *Provided further*, That the Secretary shall
10 approve funding for capital expenditures, including ad-
11 vance purchase orders of materials, for the Corporation
12 only after receiving and reviewing a grant request for each
13 specific capital project justifying the Federal support to
14 the Secretary's satisfaction: *Provided further*, That none
15 of the funds under this heading may be used to subsidize
16 operating losses of the Corporation: *Provided further*, That
17 none of the funds under this heading may be used for cap-
18 ital projects not approved by the Secretary of Transpor-
19 tation or on the Corporation's fiscal year 2011 business
20 plan: *Provided further*, That of the funds provided under
21 this heading, the Secretary may retain \$2,000,000 to fund
22 expenses associated with implementing section 212 of divi-
23 sion B of Public Law 110-432, including the amendments
24 made by section 212 to section 24905 of title 49, United
25 States Code.

1 ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD

2 ADMINISTRATION

3 SEC. 150. Hereafter, notwithstanding any other pro-
4 vision of law, funds provided in this Act for the National
5 Railroad Passenger Corporation shall immediately cease
6 to be available to said Corporation in the event that the
7 Corporation contracts to have services provided at or from
8 any location outside the United States. For purposes of
9 this section, the word “services” shall mean any service
10 that was, as of July 1, 2006, performed by a full-time
11 or part-time Amtrak employee whose base of employment
12 is located within the United States.

13 SEC. 151. The Secretary of Transportation may re-
14 ceive and expend cash, or receive and utilize spare parts
15 and similar items, from non-United States Government
16 sources to repair damages to or replace United States
17 Government owned automated track inspection cars and
18 equipment as a result of third party liability for such dam-
19 ages, and any amounts collected under this section shall
20 be credited directly to the Safety and Operations account
21 of the Federal Railroad Administration, and shall remain
22 available until expended for the repair, operation and
23 maintenance of automated track inspection cars and
24 equipment in connection with the automated track inspec-
25 tion program.

1 FEDERAL TRANSIT ADMINISTRATION
2 ADMINISTRATIVE EXPENSES

3 For necessary administrative expenses of the Federal
4 Transit Administration's programs authorized by chapter
5 53 of title 49, United States Code, \$106,700,000: *Pro-*
6 *vided*, That for an additional amount to carry out public
7 transportation fixed guideway safety oversight activities,
8 \$5,000,000, if legislation authorizing such activities is en-
9 acted into law prior to September 30, 2011: *Provided fur-*
10 *ther*, That of the funds available under this heading, not
11 to exceed \$2,050,000 shall be available for travel: *Provided*
12 *further*, That none of the funds provided or limited in this
13 Act may be used to create a permanent office of transit
14 security under this heading: *Provided further*, That upon
15 submission to the Congress of the fiscal year 2012 Presi-
16 dent's budget, the Secretary of Transportation shall trans-
17 mit to Congress the annual report on new starts, including
18 proposed allocations of funds for fiscal year 2012.

19 FORMULA AND BUS GRANTS
20 (LIQUIDATION OF CONTRACT AUTHORITY)
21 (LIMITATION ON OBLIGATIONS)
22 (HIGHWAY TRUST FUND)

23 For payment of obligations incurred in carrying out
24 the provisions of 49 U.S.C. 5305, 5307, 5308, 5309,
25 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and

1 section 3038 of Public Law 105–178, as amended,
2 \$9,200,000,000 to be derived from the Mass Transit Ac-
3 count of the Highway Trust Fund and to remain available
4 until expended: *Provided*, That funds available for the im-
5 plementation or execution of programs authorized under
6 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316,
7 5317, 5320, 5335, 5339, and 5340 and section 3038 of
8 Public Law 105–178, as amended, shall not exceed total
9 obligations of \$8,360,565,000 in fiscal year 2011.

10 (HIGHWAY TRUST FUND)

11 (RESCISSION)

12 Of the amounts authorized for fiscal year 2010 by
13 section 5338(b)(1) of title 49, United States Code, to
14 carry out sections 5305, 5307, 5308, 5309, 5310, 5311,
15 5316, 5317, 5320, 5335, 5339, and 5340 of title 49,
16 United States Code, and section 3038 of the Federal
17 Transit Act of 1998 (112 Stat. 392), \$17,394,000 are
18 permanently rescinded.

19 RESEARCH AND UNIVERSITY RESEARCH CENTERS

20 For necessary expenses to carry out 49 U.S.C. 5306,
21 5312–5315, 5322, and 5506, \$65,376,000, to remain
22 available until expended: *Provided*, That \$10,000,000 is
23 available to carry out the transit cooperative research pro-
24 gram under section 5313 of title 49, United States Code,
25 \$4,300,000 is available for the National Transit Institute

1 under section 5315 of title 49, United States Code, and
2 \$7,000,000 is available for university transportation cen-
3 ters program under section 5506 of title 49, United States
4 Code: *Provided further*, That \$44,076,000 is available to
5 carry out national research programs under sections 5312,
6 5313, 5314, and 5322 of title 49, United States Code:
7 *Provided further*, That of the funds available to carry out
8 section 5312 of title 49, United States Code, \$5,000,000
9 shall be available to the Secretary to develop standards
10 for asset management plans, provide technical assistance
11 to recipients engaged in the development or implementa-
12 tion of an asset management plan, improve data collection
13 through the National Transit Database, and conduct a
14 pilot program designed to identify the best practices of
15 asset management.

16 CAPITAL INVESTMENT GRANTS

17 For necessary expenses to carry out section 5309 of
18 title 49, United States Code, \$1,850,000,000, to remain
19 available until expended, of which no less than
20 \$200,000,000 is for section 5309(e) of such title.

21 (RESCISSION)

22 Of the amounts appropriated for Capital Investment
23 Grants in Public Law 111–117, \$25,830,000 are re-
24 scinded.

1 GRANTS FOR ENERGY EFFICIENCY AND GREENHOUSE
2 GAS REDUCTIONS

3 For grants to public transit agencies for capital in-
4 vestments that will reduce the energy consumption or
5 greenhouse gas emissions of their public transportation
6 systems, \$65,000,000, to remain available through Sep-
7 tember 30, 2013: *Provided*, That priority shall be given
8 to projects that use innovative and potentially replicable
9 approaches to reducing energy consumption or greenhouse
10 gas emissions: *Provided further*, That the Secretary shall
11 publish criteria on which to base the competition for any
12 grants awarded under this heading no sooner than 90 days
13 after the enactment of this Act, require applications for
14 funding provided under this heading to be submitted no
15 sooner than 120 days after the publication of such criteria,
16 and announce all projects selected to be funded from funds
17 provided under this heading no sooner than September 15,
18 2011.

19 WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

20 For grants to the Washington Metropolitan Area
21 Transit Authority as authorized under section 601 of divi-
22 sion B of Public Law 110–432, \$150,000,000, to remain
23 available until expended: *Provided*, That the Secretary
24 shall approve grants for capital and preventive mainte-
25 nance expenditures for the Washington Metropolitan Area

1 Transit Authority only after receiving and reviewing a re-
2 quest for each specific project: *Provided further*, That
3 prior to approving such grants, the Secretary shall deter-
4 mine that the Washington Metropolitan Area Transit Au-
5 thority has placed the highest priority on those invest-
6 ments that will improve the safety of the system.

7 ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT

8 ADMINISTRATION

9 SEC. 160. The limitations on obligations for the pro-
10 grams of the Federal Transit Administration shall not
11 apply to any authority under 49 U.S.C. 5338, previously
12 made available for obligation, or to any other authority
13 previously made available for obligation.

14 SEC. 161. Notwithstanding any other provision of
15 law, funds appropriated or limited by this Act under “Fed-
16 eral Transit Administration, Capital Investment Grants”
17 and for bus and bus facilities under “Federal Transit Ad-
18 ministration, Formula and Bus Grants” for projects speci-
19 fied in this Act or identified in reports accompanying this
20 Act not obligated by September 30, 2013, and other recov-
21 eries, shall be directed to projects eligible to use the funds
22 for the purposes for which they were originally provided.

23 SEC. 162. Notwithstanding any other provision of
24 law, any funds appropriated before October 1, 2010, under
25 any section of chapter 53 of title 49, United States Code,

1 that remain available for expenditure, may be transferred
2 to and administered under the most recent appropriation
3 heading for any such section.

4 SEC. 163. Notwithstanding any other provision of
5 law, unobligated funds made available for new fixed guide-
6 way system projects under the heading “Federal Transit
7 Administration, Capital investment grants” in any appro-
8 priations Act prior to this Act may be used during this
9 fiscal year to satisfy expenses incurred for such projects.

10 SEC. 164. Notwithstanding any other provision of
11 law, unobligated funds or recoveries under section 5309
12 of title 49, United States Code, that are available to the
13 Secretary of Transportation for reallocation shall be di-
14 rected to projects eligible to use the funds for the purposes
15 for which they were originally provided.

16 SEC. 165. Funds made available for Alaska or Hawaii
17 ferry boats or ferry terminal facilities pursuant to 49
18 U.S.C. 5309(m)(6)(B) may be used to construct new ves-
19 sels and facilities, or to improve existing vessels and facili-
20 ties, including both the passenger and vehicle-related ele-
21 ments of such vessels and facilities, and for repair facili-
22 ties: *Provided*, That not more than \$4,000,000 of the
23 funds made available pursuant to 49 U.S.C.
24 5309(m)(6)(B) may be used by the City and County of
25 Honolulu to operate a passenger ferry boat service dem-

1 onstration project to test the viability of different intra-
2 island ferry boat routes and technologies.

3 SEC. 166. None of the funds provided or limited
4 under this Act may be used to enforce regulations related
5 to charter bus service under part 604 of title 49, Code
6 of Federal Regulations, for any transit agency who during
7 fiscal year 2008 was both initially granted a 60-day period
8 to come into compliance with part 604, and then was sub-
9 sequently granted an exception from said part.

10 SEC. 167. Notwithstanding any other provision of
11 law, when evaluating the local share of the project author-
12 ized to be carried out under section 3043(c)(86) of Public
13 Law 109–59 (119 Stat. 1644) the Secretary shall give
14 consideration to all non-New Starts funds expended for
15 engineering, final design and construction of the
16 Farrington Highway Guideway, Stations, Maintenance
17 Storage Facility and related elements advanced with 100
18 percent non-New Starts funds.

19 SAINT LAWRENCE SEAWAY DEVELOPMENT

20 CORPORATION

21 The Saint Lawrence Seaway Development Corpora-
22 tion is hereby authorized to make such expenditures, with-
23 in the limits of funds and borrowing authority available
24 to the Corporation, and in accord with law, and to make
25 such contracts and commitments without regard to fiscal

1 year limitations as provided by section 104 of the Govern-
2 ment Corporation Control Act, as amended, as may be
3 necessary in carrying out the programs set forth in the
4 Corporation's budget for the current fiscal year.

5 OPERATIONS AND MAINTENANCE

6 (HARBOR MAINTENANCE TRUST FUND)

7 For necessary expenses for operations, maintenance,
8 and capital asset renewal of those portions of the Saint
9 Lawrence Seaway owned, operated, and maintained by the
10 Saint Lawrence Seaway Development Corporation,
11 \$33,868,000, to be derived from the Harbor Maintenance
12 Trust Fund, pursuant to Public Law 99-662.

13 MARITIME ADMINISTRATION

14 MARITIME SECURITY PROGRAM

15 For necessary expenses to maintain and preserve a
16 U.S.-flag merchant fleet to serve the national security
17 needs of the United States, \$174,000,000, to remain avail-
18 able until expended.

19 OPERATIONS AND TRAINING

20 For necessary expenses of operations and training ac-
21 tivities authorized by law, \$172,262,000, of which
22 \$11,240,000 shall remain available until expended for
23 maintenance and repair of training ships at State Mari-
24 time Academies, and of which \$30,900,000 shall remain
25 available until expended for capital improvements at the

1 United States Merchant Marine Academy, and of which
2 \$63,420,000 shall be available for operations at the
3 United States Merchant Marine Academy, and of which
4 \$6,000,000 shall be available until expended for the Sec-
5 retary's reimbursement of overcharged midshipmen fees
6 for academic years 2003–2004 through 2008–2009 and
7 such action shall be final and conclusive: *Provided*, That
8 amounts apportioned for the United States Merchant Ma-
9 rine Academy shall be available only upon allotments made
10 personally by the Secretary of Transportation or the As-
11 sistant Secretary for Budget and Programs: *Provided fur-*
12 *ther*, That the Superintendent, Deputy Superintendent
13 and the Director of the Office of Resource Management
14 of the United States Merchant Marine Academy may not
15 be allotment holders for the United States Merchant Ma-
16 rine Academy, and the Administrator of the Maritime Ad-
17 ministration shall hold all allotments made by the Sec-
18 retary of Transportation or the Assistant Secretary for
19 Budget and Programs under the previous proviso: *Pro-*
20 *vided further*, That 50 percent of the funding made avail-
21 able for the United States Merchant Marine Academy
22 under this heading shall be available only after the Sec-
23 retary, in consultation with the Superintendent and the
24 Maritime Administrator, completes a plan detailing by
25 program or activity how such funding will be expended at

1 the Academy, and this plan is submitted to the House and
2 Senate Committees on Appropriations.

3 SHIP DISPOSAL

4 For necessary expenses related to the disposal of ob-
5 solete vessels in the National Defense Reserve Fleet of the
6 Maritime Administration, \$10,000,000, to remain avail-
7 able until expended.

8 MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM

9 ACCOUNT

10 For necessary administrative expenses of the mari-
11 time guaranteed loan program \$4,000,000 shall be paid
12 to the appropriation for “Operations and Training”, Mari-
13 time Administration.

14 ASSISTANCE TO SMALL SHIPYARDS

15 To make grants to qualified shipyards as authorized
16 under section 3508 of Public Law 110–417 or section
17 54101 of title 46, United States Code, \$15,000,000, to
18 remain available until expended: *Provided*, That to be con-
19 sidered for assistance, a qualified shipyard shall submit
20 an application for assistance no later than 60 days after
21 enactment of this Act: *Provided further*, That from appli-
22 cations submitted under the previous proviso, the Sec-
23 retary of Transportation shall make grants no later than
24 120 days after enactment of this Act in such amounts as
25 the Secretary determines: *Provided further*, That not to

1 exceed 2 percent of the funds appropriated under this
 2 heading shall be available for necessary costs of grant ad-
 3 ministration.

4 ADMINISTRATIVE PROVISION—MARITIME

5 ADMINISTRATION

6 SEC. 175. Notwithstanding any other provision of
 7 this Act, the Maritime Administration is authorized to fur-
 8 nish utilities and services and make necessary repairs in
 9 connection with any lease, contract, or occupancy involving
 10 Government property under control of the Maritime Ad-
 11 ministration, and payments received therefor shall be cred-
 12 ited to the appropriation charged with the cost thereof:
 13 *Provided*, That rental payments under any such lease, con-
 14 tract, or occupancy for items other than such utilities,
 15 services, or repairs shall be covered into the Treasury as
 16 miscellaneous receipts.

17 PIPELINE AND HAZARDOUS MATERIALS SAFETY

18 ADMINISTRATION

19 OPERATIONAL EXPENSES

20 (PIPELINE SAFETY FUND)

21 (INCLUDING TRANSFER OF FUNDS)

22 For necessary operational expenses of the Pipeline
 23 and Hazardous Materials Safety Administration,
 24 \$23,383,000, of which \$639,000 shall be derived from the
 25 Pipeline Safety Fund: *Provided*, That \$1,000,000 shall be

1 transferred to “Pipeline Safety” in order to fund “Pipeline
2 Safety Information Grants to Communities” as authorized
3 under section 60130 of title 49, United States Code.

4 HAZARDOUS MATERIALS SAFETY

5 For expenses necessary to discharge the hazardous
6 materials safety functions of the Pipeline and Hazardous
7 Materials Safety Administration, \$49,434,000, of which
8 \$6,497,000 shall remain available until September 30,
9 2013: *Provided*, That up to \$800,000 in fees collected
10 under 49 U.S.C. 5108(g) shall be deposited in the general
11 fund of the Treasury as offsetting receipts: *Provided fur-*
12 *ther*, That there may be credited to this appropriation, to
13 be available until expended, funds received from States,
14 counties, municipalities, other public authorities, and pri-
15 vate sources for expenses incurred for training, for reports
16 publication and dissemination, and for travel expenses in-
17 curred in performance of hazardous materials exemptions
18 and approvals functions: *Provided further*, That in fiscal
19 year 2012, the Administrator of the Pipeline and Haz-
20 ardous Materials Safety Administration shall propose to
21 collect a reasonable fee for expenses incurred for proc-
22 essing applications for, and ensuring compliance with the
23 terms of, special permits and approvals issued under 49
24 U.S.C. 5117.

1 PIPELINE SAFETY
2 (PIPELINE SAFETY FUND)
3 (OIL SPILL LIABILITY TRUST FUND)

4 For expenses necessary to conduct the functions of
5 the pipeline safety program, for grants-in-aid to carry out
6 a pipeline safety program, as authorized by 49 U.S.C.
7 60107, and to discharge the pipeline program responsibil-
8 ities of the Oil Pollution Act of 1990, \$111,111,000, of
9 which \$18,905,000 shall be derived from the Oil Spill Li-
10 ability Trust Fund and shall remain available until Sep-
11 tember 30, 2013; and of which \$92,206,000 shall be de-
12 rived from the Pipeline Safety Fund, of which
13 \$51,206,000 shall remain available until September 30,
14 2013: *Provided*, That not less than \$1,053,000 of the
15 funds provided under this heading shall be for the one-
16 call State grant program.

17 EMERGENCY PREPAREDNESS GRANTS
18 (EMERGENCY PREPAREDNESS FUND)

19 For necessary expenses to carry out 49 U.S.C.
20 5128(b), \$188,000, to be derived from the Emergency
21 Preparedness Fund, to remain available until September
22 30, 2012: *Provided*, That not more than \$28,318,000 shall
23 be made available for obligation in fiscal year 2011 from
24 amounts made available by 49 U.S.C. 5116(i) and
25 5128(b)–(c): *Provided further*, That none of the funds

1 made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c)
2 shall be made available for obligation by individuals other
3 than the Secretary of Transportation, or his designee.

4 RESEARCH AND INNOVATIVE TECHNOLOGY

5 ADMINISTRATION

6 RESEARCH AND DEVELOPMENT

7 For necessary expenses of the Research and Innova-
8 tive Technology Administration, \$16,790,000, of which
9 \$9,655,000 shall remain available until September 30,
10 2013: *Provided*, That there may be credited to this appro-
11 priation, to be available until expended, funds received
12 from States, counties, municipalities, other public authori-
13 ties, and private sources for expenses incurred for train-
14 ing.

15 OFFICE OF INSPECTOR GENERAL

16 SALARIES AND EXPENSES

17 For necessary expenses of the Office of Inspector
18 General to carry out the provisions of the Inspector Gen-
19 eral Act of 1978, as amended, \$86,406,000: *Provided*,
20 That the Inspector General shall have all necessary au-
21 thority, in carrying out the duties specified in the Inspec-
22 tor General Act, as amended (5 U.S.C. App. 3), to inves-
23 tigate allegations of fraud, including false statements to
24 the government (18 U.S.C. 1001), by any person or entity
25 that is subject to regulation by the Department: *Provided*

1 *further*, That the funds made available under this heading
2 may be used to investigate, pursuant to section 41712 of
3 title 49, United States Code: (1) unfair or deceptive prac-
4 tices and unfair methods of competition by domestic and
5 foreign air carriers and ticket agents; and (2) the compli-
6 ance of domestic and foreign air carriers with respect to
7 item (1) of this proviso.

8 SURFACE TRANSPORTATION BOARD

9 SALARIES AND EXPENSES

10 For necessary expenses of the Surface Transpor-
11 tation Board, including services authorized by 5 U.S.C.
12 3109, \$30,874,000: *Provided*, That notwithstanding any
13 other provision of law, not to exceed \$1,250,000 from fees
14 established by the Chairman of the Surface Transpor-
15 tation Board shall be credited to this appropriation as off-
16 setting collections and used for necessary and authorized
17 expenses under this heading: *Provided further*, That the
18 sum herein appropriated from the general fund shall be
19 reduced on a dollar-for-dollar basis as such offsetting col-
20 lections are received during fiscal year 2011, to result in
21 a final appropriation from the general fund estimated at
22 no more than \$29,624,000.

1 GENERAL PROVISIONS—DEPARTMENT OF
2 TRANSPORTATION

3 SEC. 180. During the current fiscal year applicable
4 appropriations to the Department of Transportation shall
5 be available for maintenance and operation of aircraft;
6 hire of passenger motor vehicles and aircraft; purchase of
7 liability insurance for motor vehicles operating in foreign
8 countries on official department business; and uniforms or
9 allowances therefor, as authorized by law (5 U.S.C. 5901–
10 5902).

11 SEC. 181. Appropriations contained in this Act for
12 the Department of Transportation shall be available for
13 services as authorized by 5 U.S.C. 3109, but at rates for
14 individuals not to exceed the per diem rate equivalent to
15 the rate for an Executive Level IV.

16 SEC. 182. None of the funds in this Act shall be avail-
17 able for salaries and expenses of more than 110 political
18 and Presidential appointees in the Department of Trans-
19 portation: *Provided*, That none of the personnel covered
20 by this provision may be assigned on temporary detail out-
21 side the Department of Transportation.

22 SEC. 183. None of the funds in this Act shall be used
23 to implement section 404 of title 23, United States Code.

24 SEC. 184. (a) No recipient of funds made available
25 in this Act shall disseminate personal information (as de-

1 fined in 18 U.S.C. 2725(3)) obtained by a State depart-
2 ment of motor vehicles in connection with a motor vehicle
3 record as defined in 18 U.S.C. 2725(1), except as provided
4 in 18 U.S.C. 2721 for a use permitted under 18 U.S.C.
5 2721.

6 (b) Notwithstanding subsection (a), the Secretary
7 shall not withhold funds provided in this Act for any
8 grantee if a State is in noncompliance with this provision.

9 SEC. 185. Funds received by the Federal Highway
10 Administration, Federal Transit Administration, and Fed-
11 eral Railroad Administration from States, counties, mu-
12 nicipalities, other public authorities, and private sources
13 for expenses incurred for training may be credited respec-
14 tively to the Federal Highway Administration's "Federal-
15 Aid Highways" account, the Federal Transit Administra-
16 tion's "Research and University Research Centers" ac-
17 count, and to the Federal Railroad Administration's
18 "Safety and Operations" account, except for State rail
19 safety inspectors participating in training pursuant to 49
20 U.S.C. 20105.

21 SEC. 186. Funds provided or limited in this Act
22 under the appropriate accounts within the Federal High-
23 way Administration, the Federal Railroad Administration
24 and the Federal Transit Administration shall be for the
25 eligible programs, projects and activities in the cor-

1 responding amounts identified in the explanatory state-
2 ment accompanying this Act for “Ferry Boats and Ferry
3 Terminal Facilities”, “Federal Lands”, “Interstate Main-
4 tenance Discretionary”, “Transportation, Community and
5 System Preservation Program”, “Delta Region Transpor-
6 tation Development Program”, “Rail Line Relocation and
7 Improvement Program”, “Rail-highway crossing hazard
8 eliminations”, “Capital Investment Grants”, “Alternatives
9 analysis’ ”, and “Bus and bus facilities”.

10 SEC. 187. Notwithstanding any other provisions of
11 law, rule or regulation, the Secretary of Transportation
12 is authorized to allow the issuer of any preferred stock
13 heretofore sold to the Department to redeem or repur-
14 chase such stock upon the payment to the Department of
15 an amount determined by the Secretary.

16 SEC. 188. None of the funds in this Act to the De-
17 partment of Transportation may be used to make a grant
18 unless the Secretary of Transportation notifies the House
19 and Senate Committees on Appropriations not less than
20 3 full business days before any project competitively se-
21 lected to receive a discretionary grant award, any discre-
22 tionary grant award, letter of intent, or full funding grant
23 agreement totaling \$1,000,000 or more is announced by
24 the department or its modal administrations from: (1) any
25 discretionary grant program of the Federal Highway Ad-

1 ministration including the emergency relief program; (2)
2 the airport improvement program of the Federal Aviation
3 Administration; (3) any grant from the Federal Railroad
4 Administration; or (4) any program of the Federal Transit
5 Administration other than the formula grants and fixed
6 guideway modernization programs: *Provided*, That the
7 Secretary gives concurrent notification to the House and
8 Senate Committees on Appropriations for any “quick re-
9 lease” of funds from the emergency relief program: *Pro-*
10 *vided further*, That no notification shall involve funds that
11 are not available for obligation. In addition, none of the
12 funds in this Act to the Department of Transportation
13 may be used to make a grant award unless the Secretary
14 of Transportation notifies the House and Senate Commit-
15 tees on Appropriations not less than 3 full business days
16 before any announcement of a project competitively se-
17 lected to receive a discretionary grant award from a pro-
18 gram with an annual budget equal to or exceeding
19 \$40,000,000.

20 SEC. 189. Rebates, refunds, incentive payments,
21 minor fees and other funds received by the Department
22 of Transportation from travel management centers,
23 charge card programs, the subleasing of building space,
24 and miscellaneous sources are to be credited to appropria-
25 tions of the Department of Transportation and allocated

1 to elements of the Department of Transportation using
2 fair and equitable criteria and such funds shall be avail-
3 able until expended.

4 SEC. 190. Amounts made available in this or any
5 other Act that the Secretary determines represent im-
6 proper payments by the Department of Transportation to
7 a third-party contractor under a financial assistance
8 award, which are recovered pursuant to law, shall be avail-
9 able—

10 (1) to reimburse the actual expenses incurred
11 by the Department of Transportation in recovering
12 improper payments; and

13 (2) to pay contractors for services provided in
14 recovering improper payments or contractor support
15 in the implementation of the Improper Payments In-
16 formation Act of 2002: *Provided*, That amounts in
17 excess of that required for paragraphs (1) and (2)—

18 (A) shall be credited to and merged with
19 the appropriation from which the improper pay-
20 ments were made, and shall be available for the
21 purposes and period for which such appropria-
22 tions are available; or

23 (B) if no such appropriation remains avail-
24 able, shall be deposited in the Treasury as mis-
25 cellaneous receipts: *Provided further*, That prior

1 to the transfer of any such recovery to an ap-
2 propriations account, the Secretary shall notify
3 to the House and Senate Committees on Appro-
4 priations of the amount and reasons for such
5 transfer: *Provided further*, That for purposes of
6 this section, the term “improper payments”,
7 has the same meaning as that provided in sec-
8 tion 2(d)(2) of Public Law 107–300.

9 SEC. 191. Notwithstanding any other provision of
10 law, if any funds provided in or limited by this Act are
11 subject to a reprogramming action that requires notice to
12 be provided to the House and Senate Committees on Ap-
13 propriations, said reprogramming action shall be approved
14 or denied solely by the Committees on Appropriations:
15 *Provided*, That the Secretary may provide notice to other
16 congressional committees of the action of the Committees
17 on Appropriations on such reprogramming but not sooner
18 than 30 days following the date on which the reprogram-
19 ming action has been approved or denied by the House
20 and Senate Committees on Appropriations.

21 SEC. 192. None of the funds appropriated or other-
22 wise made available under this Act may be used by the
23 Surface Transportation Board of the Department of
24 Transportation to charge or collect any filing fee for rate
25 or practice complaints filed with the Board in an amount

1 in excess of the amount authorized for district court civil
2 suit filing fees under section 1914 of title 28, United
3 States Code.

4 SEC. 193. Notwithstanding section 3324 of title 31,
5 United States Code, in addition to authority provided by
6 section 327 of title 49, United States Code, the Depart-
7 ment's Working Capital Fund is hereby authorized to pro-
8 vide payments in advance to vendors that are necessary
9 to carry out the Federal transit pass transportation fringe
10 benefit program under Executive Order 13150 and section
11 3049 of Public Law 109-59: *Provided*, That the Depart-
12 ment shall include adequate safeguards in the contract
13 with the vendors to ensure timely and high-quality per-
14 formance under the contract.

15 SEC. 194. (a) In the explanatory statement contained
16 in House Report 106-940 accompanying Public Law 106-
17 346 (114 Stat. 1356A), in the table of projects under the
18 heading "Capital Investments Grants", the item relating
19 to "Lowell, Massachusetts-Nashua, New Hampshire Com-
20 muter Rail Project" is deemed to be amended by inserting
21 "and Manchester" after "Nashua".

22 (b) Notwithstanding any other provision of law, funds
23 made available under the Federal Transit Administration
24 Capital Investment Grants Account in fiscal year 2008
25 (Public Law 110-161) for METRA Connects Southeast

1 Service, Illinois, METRA Star Line, Illinois, METRA
2 Union Pacific Northwest Line, Illinois, METRA Union
3 Pacific West Line, Illinois and funds made available in
4 fiscal year 2009 (Public Law 111–8) for METRA, Illinois,
5 shall be made available until September 30, 2011.

6 (c) Of the \$1,000,000 appropriated under the head-
7 ing “General Provisions” in Public Law 108–7 for Juneau
8 Heliport, Alaska, the unobligated balance shall be avail-
9 able for improvements to bridges owned by the City and
10 Borough of Juneau, Alaska.

11 (d) Notwithstanding any other provision of law, funds
12 made available in Public Law 111–8 for “Phase 3 Rail
13 Rehabilitation in Redwood Falls, MN” shall be available
14 for obligation and expenditure for “Minnesota Valley Re-
15 gional Rail Authority, MN.”

16 (e) Funds made available for the City of Las Vegas,
17 NV “Bonneville Clark Couplet” through Department of
18 Transportation Appropriations Acts for fiscal year 2009
19 (Public Law 111–8) and fiscal year 2010 (Public Law
20 111–17) that remain unobligated or unexpended shall be
21 made available to the “Decatur Boulevard/Charleston
22 Boulevard Intersection Improvements” in Las Vegas, Ne-
23 vada.

24 (f) In the explanatory statement referenced in section
25 186 of division K of Public Law 110–161, the item relat-

1 ing to “Walton Boulevard Bridge widening, MI” is deemed
2 to be amended by striking “Walton Boulevard Bridge wid-
3 ening, MI” and inserting “Avon Road Bridge and
4 Livernois Road Bridge Reconstruction, MI”.

5 (g) Notwithstanding any other provision of law, the
6 amounts made available for the Interstate 579 Cap–Urban
7 Green Space and Park Plaza, Pittsburgh, Pennsylvania,
8 by the explanatory statement accompanying the Consoli-
9 dated Appropriations Act, 2010 (Public Law 111–117;
10 123 Stat. 3034), shall be used for projects for street, traf-
11 fic flow, pedestrian, and streetscape improvements in
12 Pittsburgh, Pennsylvania.

13 (h) The explanatory statement referenced in section
14 186 of title I of division A of Public Law 111–117 for
15 “Alternative analysis” under “Federal Transit Adminis-
16 tration—Formula and Bus Grants” is deemed to be
17 amended by striking “Hudson-Bergen MOS–2 Northern
18 NJ” and inserting “Hudson-Bergen Light Rail Extension
19 Route 440, Jersey City, NJ.”

20 (i) In the explanatory statement referenced in section
21 186 of title I of division I of Public Law 111–8, the item
22 relating to “Starkweather Creek Parkway Bike Path, WI”
23 in the table of projects under the heading “Transporta-
24 tion, Community, and System Preservation Program” is
25 deemed to be amended by striking “Starkweather Creek

1 Parkway Bike Path, WI” and inserting “Military Ridge
2 Trail/Cannonball Path multi-purpose bike and pedestrian
3 bridge, WI”.

4 (j) Public Law 111–8 is amended by striking “Con-
5 struct On/Off Ramps Connecting I–20 to Cotton Flat
6 Road” and inserting “Make Improvements to the I–20/
7 250 Loop Interchange Project”.

8 (k) The Secretary of Transportation shall not reallo-
9 cate capital investment funds made available for the I–
10 69 HOV/BRT, Mississippi, project and section 5309 bus
11 funds made available to the LOU Public Transit System,
12 Oxford, MS, in Public Law 110–161 and the accom-
13 panying explanatory statement.

14 (l) Amounts provided for Provo Orem Bus Rapid
15 Transit, in Public Law 110–161 shall not be reallocated
16 and shall be made available for Provo Orem Bus Rapid
17 Transit and intermodal terminals.

18 (m) Funding provided for “Pierce Transit Peninsula
19 Park & Ride, WA” under Bus and Bus Facilities in Public
20 Law 110–161 shall be made available for “Pierce Transit
21 Vehicle Replacement”.

22 (n) The explanatory statement accompanying the
23 Fiscal Year 2003 Consolidated Appropriations Act shall
24 be deemed to be amended by striking “Ways to Work—

1 EPIC Yakima” and inserting “Ways to Work, Metropoli-
2 tan Family Service, SW Washington”.

3 (o) The explanatory statement accompanying the Fis-
4 cal Year 2004 Consolidated Appropriations Act shall be
5 deemed to be amended by striking “Ellensburg Inter-
6 change I-90, Milepost 108.31, Washington” and inserting
7 “I-90 Ellensburg vicinity—US 97 and local roadway im-
8 provements”.

9 (p) The explanatory statement accompanying the Fis-
10 cal Year 2004 Consolidated Appropriations Act shall be
11 deemed to be amended by striking “SR 31, All Weather
12 Roadway Construction and Widening, Pend Oreille Coun-
13 ty, Washington” and inserting “SR 31 Corridor Improve-
14 ments and local transportation projects (Pend Oreille
15 County)”.

16 (q) Notwithstanding any other provision of law, the
17 funding made available for the Schuylkill Valley Metro
18 project through the Department of Transportation Appro-
19 priations Acts for Federal Fiscal Year 2007, 2008 and
20 2009 shall remain available for that project during Fed-
21 eral fiscal years 2010 and 2011.

22 (r) Notwithstanding any other provision of law, the
23 \$10,976,000 appropriated for the CORRIDORone Re-
24 gional Rail Project in Pennsylvania under the Capital In-
25 vestment Grants account in division K of the Consolidated

1 Appropriations Act, 2008 (Public Law 110–161) shall be
2 available for obligation until September 30, 2011.

3 (s) Notwithstanding any other provision of law, of the
4 \$2,500,000 appropriated for the Alle-Kiski Connector
5 Bridge in Department of Transportation Appropriations
6 Act, 2005, Public Law 108–447, \$2,100,000 shall be
7 available for right of way, design, and construction activi-
8 ties for the Hulton Bridge in Oakmont, Pennsylvania and
9 \$400,000 shall be available for a feasibility study for con-
10 struction of the Alle-Kiski Connector Bridge.

11 (t) Notwithstanding any other provision of law, the
12 funding made available for the Franklin Street Station
13 Restoration (BARTA) through the Department of Trans-
14 portation Appropriations Act of Federal Fiscal Year 2008
15 shall remain available for that project during Federal fis-
16 cal year 2011.

17 (u) Funds provided for “I–85 NB Viaduct at SR 400
18 NB—Exit Lane, GA” in Public Law 111–8 shall be made
19 available for “I–285/Ashford Dunwoody Interchange Re-
20 construction”.

21 (v) In the explanatory statement referenced in section
22 186 of title I of division A of Public Law 111–117 (123
23 Stat. 3070), the item relating to “Chalk Bluff Road, Clay
24 County, AR” in the table of projects under the heading
25 “Delta Region Transportation Development Program” is

1 deemed to be amended by striking “Chalk Bluff Road,
2 Clay County, AR” and inserting “Cabot North Inter-
3 change, AR”.

4 (w) In the explanatory statement referenced in sec-
5 tion 186 of title I of division A of Public Law 111–117
6 (123 Stat. 3070), the item relating to “I–480/Tiedeman
7 Road Interchange Modification, OH” in the table of
8 projects under the heading “Interstate Maintenance Dis-
9 cretionary” is deemed to be amended by striking “I–480/
10 Tiedeman Road Interchange Modification, OH” and in-
11 serting “Construction and upgrades at four grade cross-
12 ings in Olmsted Falls, OH”.

13 (x) Funds made available for “Construction of the
14 I–278 Environmental Shield, Queens, NY” under the
15 heading “Surface transportation priorities” in title I of di-
16 vision A of Public Law 111–117 (123 Stat. 3044) shall
17 be made available for “Reconstruction and reconfiguration
18 of the northbound off-ramp from Interstate 95 to Bartow/
19 Baychester Avenue, Bronx, NY”.

20 (y) In the explanatory statement referenced in section
21 186 of title I of division I of Public Law 111–8 (123 Stat.
22 947), the item relating to “Newton County Rails to Trails
23 By-Pass Tunnel, GA” in the table of projects under the
24 heading “Transportation, Community, and System Pres-
25 ervation Program” is deemed to be amended by striking

1 “Newton County Rails to Trails By-Pass Tunnel, GA”
2 and inserting “Newton County Eastside High School to
3 County Library Trail, GA”.

4 (z) The amount authorized for the project entitled
5 “New I-25 Interchange near m.p. 217, NM” described on
6 page 164 of the statement of the managers (H. Rept.
7 109-307) accompanying the Transportation, Treasury,
8 Housing and Urban Development, the Judiciary, the Dis-
9 trict of Columbia, and Independent Agencies Appropria-
10 tions Act, 2006 (Public Law 109-115), and related ad-
11 ministrative funding, may be used to provide for an inter-
12 change on I-25 to provide access to Mesa del Sol, New
13 Mexico.

14 (aa) The amount authorized for the project entitled
15 “Paseo del Volcan I-40 Interchange, NM” described on
16 page 165 of the statement of the managers (H. Rept.
17 109-307) accompanying the Transportation, Treasury,
18 Housing and Urban Development, the Judiciary, the Dis-
19 trict of Columbia, and Independent Agencies Appropria-
20 tions Act, 2006 (Public Law 109-115), and related ad-
21 ministrative funding, may be used to provide for I-40 im-
22 provements in Bernalillo County, New Mexico.

23 (bb) The explanatory statement accompanying Public
24 Law 108-447 is deemed to be amended by striking
25 “SR509/SR518 Interchange/Intersection Redevelopment

1 Burien, Washington” and inserting: “SR518 Interchange/
2 Intersection Redevelopment (Burien), Washington”.

3 (cc) Funds made available for “West Haven Inter-
4 modal Station, CT” through title IV of division K of Pub-
5 lic Law 110–161 (121 Stat. 1844) and for the “West
6 Haven Rail Passenger Station, CT” through title I of divi-
7 sion A of Public Law 111–117 (123 Stat. 3034) shall be
8 made available for bus projects eligible under section
9 5309(b)(3) of title 49, United States Code, and improve-
10 ments to the surface transportation corridors in the City
11 of West Haven, CT, including streetscapes and pedestrian
12 walkways.

13 (dd) The explanatory statement accompanying the
14 Fiscal Year 2010 Consolidated Appropriations Act shall
15 be deemed to be amended by striking “Highway and
16 Bridge improvements CR97, Nicolls Road Highway Im-
17 provements” and inserting “Highway and bridge improve-
18 ments to CR 46, William Floyd Parkway in the vicinity
19 of Narrows Bay Bridge”.

20 (ee) Funds made available for “Empire Corridor
21 West High Speed Rail Improvements, Monroe County,
22 NY” under the heading “Surface transportation prior-
23 ities” in title I of division A of Public Law 111–117 (123
24 Stat. 3044) shall be made available for “Rochester Inter-
25 modal Transportation Center, NY”.

1 (ff) Any unobligated balance appropriated under the
2 heading “Highway Demonstration Projects” in title I of
3 Public Law 102–143 (105 Stat. 929) and made available
4 for the Delaware Street Bridge Replacement Project,
5 (CR640) Bridge over Mathews Branch in West Deptford
6 Township, New Jersey by section 191(d) of Division K
7 of Public Law 110–161, shall be made available for Resur-
8 facing and Safety Improvements to CR 553 (Buck Road)
9 in Franklin and Elk Townships in Gloucester County,
10 New Jersey.

11 (gg) The explanatory statement accompanying Public
12 Law 111–8 shall be deemed to be amended by striking
13 “Rich Passage Wake Impact Study, WA” and inserting
14 “Rich Passage Wake Impact Study, including: wake im-
15 pact shore monitoring and Prototype Field Operations
16 Testing, including: live load passenger service”.

17 (hh) The explanatory statement accompanying Public
18 Law 111–117 shall be deemed to be amended by striking
19 “Northstar Phase II—Extension of Northstar Commuter
20 Rail to the St. Cloud Area, MN” and inserting “Northstar
21 Commuter Rail Station in Ramsey, Minnesota”.

22 SEC. 195. (a) Section 3044(a) of Public Law 109–
23 59 is amended—

1 (1) By striking the project description in item
2 422 and inserting, “Anchorage People Mover transit
3 needs, Anchorage, AK.”

4 (2) By striking the project description in item
5 160 and inserting, “Nebraska Statewide Vehicles,
6 Facilities and Related Equipment”.

7 (3) By striking the project description in item
8 586 and inserting, “Nebraska Department of
9 Roads—Statewide Vehicles, Facilities and Related
10 Equipment”.

11 (b) All amounts made available in item 422 of section
12 3044(a) of Public Law 109–59 which have not been obli-
13 gated by September 30, 2010 shall remain available for
14 obligation until September 30, 2011.

15 (c) Section 3046(a)(22) of Public Law 109–59 is
16 amended—

17 (1) In the paragraph heading, by striking
18 “FUEL CELL-POWERED BUS” and inserting “HYDRO-
19 GEN-POWERED TRANSIT”; and

20 (2) By striking “Fuel Cell-Powered Bus” and
21 inserting “Hydrogen-Powered Transit”.

22 (d) Notwithstanding any other provision of law, the
23 Secretary of Transportation shall not reallocate any fund-
24 ing made available for item 22 of section 3046 of Public
25 Law 109–59.

1 (e) In section 1702 of Public Law 109–59, Project
2 Authorizations, under item No. 400, strike the existing
3 text under Project Description and insert in lieu thereof
4 “Road, sidewalk, and drainage construction and improve-
5 ments, City of Unalaska.”

6 (f) The table contained in section 1702 of the Safe,
7 Accountable, Flexible, Efficient Transportation Equity
8 Act: A Legacy for Users (119 Stat 1256) is amended in
9 item 1399 by striking the project description and inserting
10 “I–40 Frontage Road Reconstruction in the City of Gal-
11 lup”.

12 (g) The table contained in section 1702 of the Safe,
13 Accountable, Flexible, Efficient Transportation Equity
14 Act: A Legacy for Users (119 Stat. 1256) is amended in
15 item 54 by striking the project description and inserting
16 “Study of a direct link to I–80 and Iowa Highway 92,
17 in proximity to Pella”.

18 (h) The table contained in section 1934(c) of the
19 Safe, Accountable, Flexible, Efficient Transportation Eq-
20 uity Act: A Legacy for Users (119 Stat. 1485) is amended
21 in item 105 by striking the project description and insert-
22 ing “Study of a direct link to I–80 and Iowa Highway
23 92, in proximity to Pella”.

24 (i) Amounts made available for the Cuming Street
25 Transportation Improvement Project in items 4497 and

1 4506 of section 1702 of the Safe, Accountable, Flexible,
2 Efficient Transportation Equity Act: A Legacy for Users
3 (Public Law 109–59) and in item 276 of section 1934(c)
4 of such Act may be expended for—

5 (1) lighting, landscaping, and pedestrian en-
6 hancements on Cuming Street from 16th Street to
7 30th Street and on Burt Street from 31st Street to
8 Florence Boulevard, including burial of certain over-
9 head utilities;

10 (2) pedestrian safety improvements on 24th
11 Street from Cuming Street to Davenport Street, in-
12 cluding the incorporation of traffic circles at Cass
13 Street and Davenport Street and adjacent lighting,
14 landscaping, and safety enhancements; and

15 (3) the reconfiguration of the Dodge Street/
16 Douglas Street transition curve in conjunction with
17 30th Street.

18 (j) Section 1702 of the SAFETEA–LU: A Legacy for
19 Users (Public Law 109–59, 119 Stat. 114, 1278; Public
20 Law 110–244, 122 Stat. 1571, 1579) is amended by strik-
21 ing the project description in item 576 and inserting “De-
22 sign, right-of-way acquisition and construction of Ne-
23 braska Highway 35 between Norfolk and South Sioux City
24 and for design, right-of-way acquisition and construction
25 of an interchange east of Dakota Avenue on I–129.”

1 (k) Section 1702 of the SAFETEA-LU: A Legacy
2 for Users (Public Law 109–59, 199 Stat. 1144, 1429;
3 Public Law 110–224, 122 Stat. 1571, 1595) is amended
4 by striking the project description in item 4507 and insert-
5 ing “Design, right-of-way acquisition and construction of
6 Nebraska Highway 35 between Norfolk and south Sioux
7 City and for design, right-of-way acquisition and construc-
8 tion of an interchange east of Dakota Avenue on I–129”.

9 (l) In Public Law 109–59, the table contained in sec-
10 tion 1702 of the Safe, Accountable, Flexible, Efficient
11 Transportation Equity Act: A Legacy for Users (119 Stat.
12 1256) is amended in item number 2406 (119 Stat. 1350)
13 by striking “in Fort Worth” in the project description and
14 inserting “, or construct SH 199 (Henderson St.) through
15 the Trinity Uptown Project between the West Fork and
16 Clear Fork of the Trinity River, in Fort Worth”.

17 (m)(1) The project description in item 3730 under
18 section 1702 of the Safe, Accountable, Flexible, Efficient
19 Transportation Equity Act: A Legacy for Users (Public
20 Law 109–59, 119 Stat. 1400) is amended by adding at
21 the end the following: “(to include the Montgomery Outer
22 Loop)”.

23 (n) The project description in item 16 under section
24 1934(c) of the Safe, Accountable, Flexible, Efficient
25 Transportation Equity Act: A Legacy for Users (Public

1 Law 109–59, 119 Stat. 1486) is amended by adding at
2 the end the following: “(to include the Montgomery Outer
3 Loop)”.

4 (o) The SAFETEA–LU (Public Law 109–59) is
5 amended—

6 (1) in section 1702—

7 (A) by striking project number 4892 (119
8 Stat. 1443); and

9 (B) in project number 4924 (119 Stat.
10 444), by striking the project amount and insert-
11 ing “\$6,149,733.82”; and

12 (2) in section 1934—

13 (A) by striking project number 374 (119
14 Stat. 1505); and

15 (B) in project number 382 (119 Stat.
16 1505), by striking the project amount and in-
17 serting “\$20,446,640”.

18 (p) Item 3557 of section 1702 of Public Law 109–
19 59 is amended by striking “Improve Mill Plain Blvd be-
20 tween SE 172nd and SE 192nd in Vancouver” and insert-
21 ing “Extend 18th Street between 87th Avenue and NE
22 192nd Avenue in Vancouver”.

23 (q) Item 744 of section 1702 of Public Law 109–59
24 is amended by striking “Widen I–5 through Lewis Coun-

1 ty” and inserting “I-5 Frontage Road and I-5 Inter-
2 change Improvements in Lewis County”.

3 (r) Item 2827 of section 1702 of Public Law 109-
4 59 is amended by striking “Construct SR 9 Pedestrian
5 Overpass in Arlington” and inserting “State Route 9/
6 Crown Ridge Blvd. Improvements”.

7 (s) Item 249 of section 1702 of Public Law 109-59
8 is amended by striking “Complete preliminary engineering
9 and environmental analysis for SR14 through Camas and
10 Washougal” and inserting “Complete preliminary engi-
11 neering, environmental and construction for SR 14
12 through Camas and Washougal”.

13 (t) The table contained in section 1702 of the Safe,
14 Accountable, Flexible, Efficient Transportation Equity
15 Act: A Legacy for Users (119 Stat. 1256) is amended—

16 (1) in item number 1366, by striking the
17 project description and inserting “Road and bridge
18 improvements and storm water mitigation in the
19 Town of Southampton”; and

20 (2) in item number 2252 by striking the project
21 description and inserting “Operational safety stud-
22 ies, final design and/or construction of intersection
23 operational and safety improvements for USH 53
24 between Rice Lake and Superior, Wisconsin”.

1 (u) The table contained in section 1602 of the Trans-
2 portation Equity Act for the 21st Century (112 Stat. 257)
3 is amended—

4 (1) in item number 414 by striking the project
5 description and inserting “Engineering, design and
6 construction of the North Street, Pittsfield,
7 streetscaping project”; and

8 (2) in item number 815 by striking the project
9 description and inserting “ Highway 10 relocation,
10 City of Wadena”.

11 (v) The table contained in section 1702 of the
12 SAFETEA-LU (Public Law 109–59) is amended—

13 (1) In item number 598 (119 Stat. 1279) by
14 striking the project description and inserting “Con-
15 struction to provide access to Mesa del Sol in Albu-
16 querque”.

17 (2) In item number 291 (119 Stat. 1267) by
18 striking the project description and inserting “Devel-
19 opment of Paseo del Volcan corridor in Sandoval
20 County”.

21 (3) In item number 4546 (119 Stat. 1430) by
22 striking the project description and inserting “I-40
23 improvements, Bernalillo County”.

1 (4) In item number 4549 (119 Stat. 1430) by
2 striking the project description and inserting “Paseo
3 de Volcan in Rio Rancho”.

4 (5) In items 371 and 4340, by striking “Allen
5 Road under the CN Railroad Grade Separation,
6 Woodhaven” and inserting “Allen and Van Horn
7 Roads, Woodhaven”.

8 SEC. 196. The Secretary shall continue an inde-
9 pendent and comprehensive study and analysis to supple-
10 ment that authorized under section 108, division C, of
11 Public Law 111–8: *Provided*, That additional funding will
12 help to engage stakeholders and Federal partners by cre-
13 ating a multi-agency task force funded to formulate
14 DOT’s coordination with the Departments of Energy,
15 Commerce and Agriculture to ensure a comprehensive un-
16 derstanding of the full value of river flow support to users
17 in the Mississippi and Missouri Rivers: *Provided further*,
18 That subjects of analysis shall include energy (including
19 hydropower and generation cooling), and water transport
20 (including water-compelled rates, projected total transpor-
21 tation congestion considerations, transportation energy ef-
22 ficiency, air quality and carbon emissions) and water users
23 (including the number and distribution of people, house-
24 holds, municipalities, and business throughout the Mis-
25 souri and Mississippi River basins who use river water for

1 multiple purposes): *Provided further*, That in addition to
2 understanding current value, the Department is directed
3 to work with appropriate Federal partners to develop rec-
4 ommendations on how to minimize impediments to growth
5 and maximize water value of benefits related to energy
6 production and efficiency, congestion relief, trade and
7 transport efficiency, and air quality: *Provided further*,
8 That the Department of Transportation shall provide its
9 analysis and recommendations to the U.S. Army Corps of
10 Engineers, the White House, and the Congress no later
11 than January 2012: *Provided further*, That \$2,000,000 is
12 available until expended for such purposes.

13 SEC. 197. Section 194 of Public Law 111–117 is
14 amended—

15 (1) in subsection (b) by striking “1-year” and
16 inserting “2-year”;

17 (2) in subsection (c) by striking “366” and in-
18 serting “731”;

19 (3) in subsection (d) by striking “Interstate
20 Routes 89, 91, and 93” and inserting “all portions
21 of the Interstate System”;

22 (4) in subsection (e) by striking “1-year” and
23 inserting “2-year”;

24 (5) in subsection (f) by striking “366” and in-
25 serting “731”; and

1 (6) in subsection (g) by—

2 (A) striking “on the Vermont Pilot Pro-
3 gram”;

4 (B) striking “2 years” and inserting “3
5 years”;

6 (C) striking “pilot program under this
7 paragraph” and inserting “pilot programs
8 under this section”; and

9 (D) striking “State of Vermont” and in-
10 sserting “States of Maine and Vermont”.

11 This title may be cited as the Department of Trans-
12 portation Appropriations Act, 2011.

13 TITLE II

14 DEPARTMENT OF HOUSING AND URBAN

15 DEVELOPMENT

16 MANAGEMENT AND ADMINISTRATION

17 EXECUTIVE DIRECTION

18 For necessary salaries and expenses for Executive Di-
19 rection, \$28,310,000, of which not to exceed \$7,464,000
20 shall be available for the immediate Office of the Secretary
21 and Deputy Secretary; not to exceed \$1,706,000 shall be
22 available for the Office of Hearings and Appeals; not to
23 exceed \$719,000 shall be available for the Office of Small
24 and Disadvantaged Business Utilization; not to exceed
25 \$839,000 shall be available for the immediate Office of

1 the Chief Financial Officer; not to exceed \$1,395,500 shall
2 be available for the immediate Office of the General Coun-
3 sel; not to exceed \$2,709,000 shall be available to the Of-
4 fice of the Assistant Secretary for Congressional and
5 Intergovernmental Relations; not to exceed \$4,691,000
6 shall be available for the Office of the Assistant Secretary
7 for Public Affairs; not to exceed \$1,843,000 shall be avail-
8 able to the Office of the Assistant Secretary for Public
9 and Indian Housing; not to exceed \$1,487,500 shall be
10 available to the Office of the Assistant Secretary for Com-
11 munity Planning and Development; not to exceed
12 \$3,015,000 shall be available to the Office of the Assistant
13 Secretary for Housing, Federal Housing Commissioner;
14 not to exceed \$992,000 shall be available to the Office of
15 the Assistant Secretary for Policy Development and Re-
16 search; and not to exceed \$700,000 shall be available to
17 the Office of the Assistant Secretary for Fair Housing and
18 Equal Opportunity; and not to exceed \$749,000 shall be
19 available to the Office of the Chief Operating Officer: *Pro-*
20 *vided*, That the Secretary of the Department of Housing
21 and Urban Development is authorized to transfer funds
22 appropriated for any office funded under this heading to
23 any other office funded under this heading following the
24 written notification to the House and Senate Committees
25 on Appropriations: *Provided further*, That the Secretary

1 shall provide the Committees on Appropriations quarterly
2 written notification regarding the status of pending con-
3 gressional reports: *Provided further*, That the Secretary
4 shall provide all signed reports required by Congress elec-
5 tronically: *Provided further*, That not to exceed \$25,000
6 of the amount made available under this paragraph for
7 the immediate Office of the Secretary shall be available
8 for official reception and representation expenses as the
9 Secretary may determine: *Provided further*, That the Sec-
10 retary shall notify the Committees on Appropriations one
11 month before any of the funds made available under this
12 heading may be used for international travel.

13 ADMINISTRATION, OPERATIONS AND MANAGEMENT

14 For necessary salaries and expenses for administra-
15 tion, operations and management for the Department of
16 Housing and Urban Development, \$525,040,000, of which
17 not to exceed \$65,449,000 shall be available for the per-
18 sonnel compensation and benefits of the Office of the
19 Chief Human Capital Officer; not to exceed \$9,122,000
20 shall be available for the personnel compensation and ben-
21 efits of the Office of Departmental Operations and Coordi-
22 nation; not to exceed \$48,465,000 shall be available for
23 the personnel compensation and benefits of the Office of
24 Field Policy and Management; not to exceed \$15,932,000
25 shall be available for the personnel compensation and ben-

1 efits of the Office of the Chief Procurement Officer; not
2 to exceed \$33,597,000 shall be available for the personnel
3 compensation and benefits of the remaining staff in the
4 Office of the Chief Financial Officer; not to exceed
5 \$86,482,000 shall be available for the personnel com-
6 pensation and benefits of the remaining staff in the Office
7 of the General Counsel; not to exceed \$3,115,000 shall
8 be available for the personnel compensation and benefits
9 of the Office of Departmental Equal Employment Oppor-
10 tunity; not to exceed \$1,171,000 shall be available for the
11 personnel compensation and benefits for the Center for
12 Faith-Based and Community Initiatives; not to exceed
13 \$2,237,000 shall be available for the personnel compensa-
14 tion and benefits for the Office of Sustainability; not to
15 exceed \$3,695,000 shall be available for the personnel
16 compensation and benefits for the Office of Strategic
17 Planning and Management; not to exceed \$4,375,000 shall
18 be available for the personnel compensation and benefits
19 for the Office of the Chief Disaster and Emergency Man-
20 agement Officer; and not to exceed \$251,400,000 shall be
21 available for nonpersonnel expenses of the Department of
22 Housing and Urban Development: *Provided*, That, funds
23 provided under this heading may be used for necessary
24 administrative and nonadministrative expenses of the De-
25 partment of Housing and Urban Development, not other-

1 wise provided for, including purchase of uniforms, or al-
2 lowances therefor, as authorized by 5 U.S.C. 5901–5902;
3 hire of passenger motor vehicles; services as authorized by
4 5 U.S.C. 3109: *Provided further*, That notwithstanding
5 any other provision of law, funds appropriated under this
6 heading may be used for advertising and promotional ac-
7 tivities that support the housing mission area: *Provided*
8 *further*, That the Secretary shall notify the Committees
9 on Appropriations one month before any of the funds
10 made available under this heading may be used for inter-
11 national travel.

12 PERSONNEL COMPENSATION AND BENEFITS

13 PUBLIC AND INDIAN HOUSING

14 For necessary personnel compensation and benefits
15 expenses of the Office of Public and Indian Housing,
16 \$194,889,000.

17 COMMUNITY PLANNING AND DEVELOPMENT

18 For necessary personnel compensation and benefits
19 expenses of the Office of Community Planning and Devel-
20 opment mission area, \$104,656,000.

21 HOUSING

22 For necessary personnel compensation and benefits
23 expenses of the Office of Housing, \$390,885,000.

1 OFFICE OF THE GOVERNMENT NATIONAL MORTGAGE
2 ASSOCIATION

3 For necessary personnel compensation and benefits
4 expenses of the Office of the Government National Mort-
5 gage Association, \$14,000,000, to be derived from the
6 GNMA guarantees of mortgage backed securities guaran-
7 teed loan receipt account.

8 POLICY DEVELOPMENT AND RESEARCH

9 For necessary personnel compensation and benefits
10 expenses of the Office of Policy Development and Re-
11 search, \$21,138,000.

12 FAIR HOUSING AND EQUAL OPPORTUNITY

13 For necessary personnel compensation and benefits
14 expenses of the Office of Fair Housing and Equal Oppor-
15 tunity, \$70,363,000.

16 OFFICE OF HEALTHY HOMES AND LEAD HAZARD
17 CONTROL

18 For necessary personnel compensation and benefits
19 expenses of the Office of Healthy Homes and Lead Haz-
20 ard Control, \$7,151,000.

21 PUBLIC AND INDIAN HOUSING

22 TENANT-BASED RENTAL ASSISTANCE
23 (INCLUDING TRANSFER OF FUNDS)

24 For activities and assistance for the provision of ten-
25 ant-based rental assistance authorized under the United

1 States Housing Act of 1937, as amended (42 U.S.C. 1437
2 et seq.) (“the Act” herein), not otherwise provided for,
3 \$15,298,997,653, to remain available until expended, shall
4 be available on October 1, 2010 (in addition to the
5 \$4,000,000,000 previously appropriated under this head-
6 ing that will become available on October 1, 2010), and
7 \$4,000,000,000, to remain available until expended, shall
8 be available on October 1, 2011: *Provided*, That of the
9 amounts made available under this heading are provided
10 as follows:

11 (1) \$16,993,997,653 shall be available for re-
12 newals of expiring section 8 tenant-based annual
13 contributions contracts (including renewals of en-
14 hanced vouchers under any provision of law author-
15 izing such assistance under section 8(t) of the Act)
16 and including renewal of other special purpose
17 vouchers initially funded in fiscal years 2008, 2009
18 and 2010 (such as Family Unification, Veterans Af-
19 fairs Supportive Housing Vouchers and Non-elderly
20 Disabled Vouchers): *Provided*, That notwithstanding
21 any other provision of law, from amounts provided
22 under this paragraph and any carryover, the Sec-
23 retary for the calendar year 2011 funding cycle shall
24 provide renewal funding for each public housing
25 agency based on validated voucher management sys-

1 tem (VMS) leasing and cost data for calendar year
2 2010 and by applying the most recent 12 months of
3 the Annual Adjustment Factor as established by the
4 Secretary, and by making any necessary adjustments
5 for the costs associated with the first-time renewal
6 of vouchers under this paragraph including tenant
7 protection, and HOPE VI vouchers: *Provided fur-*
8 *ther*, That none of the funds provided under this
9 paragraph may be used to fund a total number of
10 unit months under lease which exceeds a public
11 housing agency's authorized level of units under con-
12 tract, except for public housing agencies partici-
13 pating in the Moving to Work demonstration, which
14 are instead governed by the terms and conditions of
15 their MTW agreements: *Provided further*, That the
16 Secretary shall, to the extent necessary to stay with-
17 in the amount specified under this paragraph, pro
18 rate each public housing agency's allocation other-
19 wise established pursuant to this paragraph: *Pro-*
20 *vided further*, That except as provided in the fol-
21 lowing provisos, the entire amount specified under
22 this paragraph shall be obligated to the public hous-
23 ing agencies based on the allocation and pro rata
24 method described above, and the Secretary shall no-
25 tify public housing agencies of their annual budget

1 not later than 60 days after enactment of this Act:
2 *Provided further*, That the Secretary may extend the
3 60-day notification period with the prior written ap-
4 proval of the House and Senate Committees on Ap-
5 propriations: *Provided further*, That public housing
6 agencies participating in the Moving to Work dem-
7 onstration shall be funded pursuant to their Moving
8 to Work agreements and shall be subject to the
9 same pro rata adjustments under the previous pro-
10 visos: *Provided further*, That up to \$150,000,000
11 shall be available only: (1) to adjust the allocations
12 for public housing agencies, after application for an
13 adjustment by a public housing agency that experi-
14 enced a significant increase, as determined by the
15 Secretary, in renewal costs of tenant-based rental
16 assistance resulting from unforeseen circumstances
17 or from portability under section 8(r) of the Act; (2)
18 for vouchers that were not in use during the 12-
19 month period in order to be available to meet a com-
20 mitment pursuant to section 8(o)(13) of the Act; (3)
21 for any increase in the costs associated with deposits
22 to family self-sufficiency program escrow accounts;
23 (4) for one-time adjustments of renewal funding for
24 public housing agencies in receivership with ap-
25 proved fungibility plans for calendar year 2009 as

1 authorized in section 11003 of the Consolidated Se-
2 curity, Disaster Assistance, and Continuing Appro-
3 priations Act, 2009 (Public Law 110–329); or (5) to
4 adjust allocations for public housing agencies to pre-
5 vent termination of assistance to families receiving
6 assistance under the disaster voucher program, as
7 authorized by Public Law 109–148 under the head-
8 ing “Tenant-Based Rental Assistance”: *Provided*
9 *further*, That the Secretary shall allocate amounts
10 under the previous proviso based on need as deter-
11 mined by the Secretary: *Provided further*, That of
12 the amounts made available under this paragraph,
13 up to \$100,000,000 may be transferred to and
14 merged with the appropriation for “Transformation
15 Initiative”;

16 (2) \$150,000,000 shall be for section 8 rental
17 assistance for relocation and replacement of housing
18 units that are demolished or disposed of pursuant to
19 the Omnibus Consolidated Rescissions and Appro-
20 priations Act of 1996 (Public Law 104–134), con-
21 version of section 23 projects to assistance under
22 section 8, the family unification program under sec-
23 tion 8(x) of the Act, relocation of witnesses in con-
24 nection with efforts to combat crime in public and
25 assisted housing pursuant to a request from a law

1 enforcement or prosecution agency, enhanced vouch-
2 ers under any provision of law authorizing such as-
3 sistance under section 8(t) of the Act, HOPE VI
4 vouchers, mandatory and voluntary conversions, exi-
5 gent health and safety issues in public housing units,
6 and tenant protection assistance including replace-
7 ment and relocation assistance or for project based
8 assistance to prevent the displacement of unassisted
9 elderly tenants currently residing in section 202
10 properties financed between 1959 and 1974 that are
11 refinanced pursuant to Public Law 106-569, as
12 amended, or under the authority as provided under
13 this Act: *Provided*, That the Secretary may only pro-
14 vide replacement vouchers for all units that were oc-
15 cupied within the previous 24 months that cease to
16 be available as assisted housing, subject only to the
17 availability of funds: *Provided further*, That of the
18 amounts made available under this paragraph,
19 \$25,000,000 shall be available to provide tenant pro-
20 tection assistance, not otherwise provided under this
21 paragraph, to residents residing in low-vacancy areas
22 and who may have to pay rents greater than 30 per-
23 cent of household income, as the result of (1) the
24 maturity of a HUD-insured, HUD-held or section
25 202 loan that requires the permission of the Sec-

1 retary prior to loan prepayment, (2) the expiration
2 of a rental assistance contract for which the tenants
3 are not eligible for enhanced voucher or tenant pro-
4 tection assistance under existing law, or (3) the expi-
5 ration of affordability restrictions accompanying a
6 mortgage or preservation program administered by
7 the Secretary: *Provided further*, That such tenant
8 protection assistance made available under the pre-
9 vious proviso may be provided under the authority of
10 section 8(t) of the United States Housing Act of
11 1937 (42 U.S.C. 1437f(t)): *Provided further*, That
12 the Secretary shall issue guidance to implement the
13 previous two provisos, including but not limited to
14 requirements for defining eligible at-risk households
15 within 120 days of the enactment of this Act;

16 (3) \$1,851,000,000 shall be for administrative
17 and other expenses of public housing agencies in ad-
18 ministering the section 8 tenant-based rental assist-
19 ance program, of which up to \$50,000,000 shall be
20 available to the Secretary to allocate to public hous-
21 ing agencies that need additional funds to admin-
22 ister their section 8 programs, including fees associ-
23 ated with section 8 tenant protection rental assist-
24 ance, the administration of disaster related vouchers,
25 Veterans Affairs Supportive Housing vouchers, and

1 other incremental vouchers: *Provided*, That no less
2 than \$1,741,000,000 of the amount provided in this
3 paragraph shall be allocated to public housing agen-
4 cies for the calendar year 2011 funding cycle based
5 on section 8(q) of the Act (and related Appropria-
6 tion Act provisions) as in effect immediately before
7 the enactment of the Quality Housing and Work Re-
8 sponsibility Act of 1998 (Public Law 105–276): *Pro-*
9 *vided further*, That if the amounts made available
10 under this paragraph are insufficient to pay the
11 amounts determined under the previous proviso, the
12 Secretary may decrease the amounts allocated to
13 agencies by a uniform percentage applicable to all
14 agencies receiving funding under this paragraph or
15 may, to the extent necessary to provide full payment
16 of amounts determined under the previous proviso,
17 utilize unobligated balances, including recaptures
18 and carryovers, remaining from funds appropriated
19 to the Department of Housing and Urban Develop-
20 ment under this heading, for fiscal year 2010 and
21 prior fiscal years, notwithstanding the purposes for
22 which such amounts were appropriated: *Provided*
23 *further*, That amounts provided under this para-
24 graph shall be only for activities related to the provi-
25 sion of tenant-based rental assistance authorized

1 under section 8, including related development ac-
2 tivities: *Provided further*, That of the total amount
3 provided under this paragraph, \$60,000,000 shall be
4 available for family self-sufficiency coordinators
5 under section 23 of the Act: *Provided further*, That
6 amounts provided for family self-sufficiency coordi-
7 nators shall be obligated to the public housing agen-
8 cies not later than 60 days after enactment of this
9 Act;

10 (4) \$15,000,000 for incremental voucher assist-
11 ance through the Family Unification Program: *Pro-*
12 *vided*, That the assistance made available under this
13 paragraph shall continue to remain available for
14 family unification upon turnover: *Provided further*,
15 That the Secretary of Housing and Urban Develop-
16 ment shall make such funding available, notwith-
17 standing section 204 (competition provision) of this
18 title, to entities with demonstrated experience and
19 resources for supportive services;

20 (5) \$63,000,000 for renewal of tenant-based as-
21 sistance contracts under section 811 of the Cran-
22 ston-Gonzalez National Affordable Housing Act (42
23 U.S.C. 8013) entered into prior to fiscal year 2007:
24 *Provided*, That such renewals shall be entered into
25 pursuant to section 8(o) of the United States Hous-

1 ing Act of 1937 in an amount necessary to fully
2 fund the conversion of the number of authorized
3 vouchers under each such section 811 contract to
4 each such section 8(o) contract, including necessary
5 administrative expenses, from the date of renewal
6 through the end of calendar year 2011: *Provided*
7 *further*, That unobligated balances, including recap-
8 tures and carryover, remaining from funds appro-
9 priated to the Department of Housing and Urban
10 Development in prior fiscal years for tenant-based
11 assistance under such section 811 shall be available
12 for renewal or amendment of contracts converted
13 under this paragraph: *Provided further*, That all as-
14 sistance made available under this paragraph shall
15 continue to remain available only to persons with
16 disabilities upon turnover: *Provided further*, That
17 such converted vouchers may be administered by the
18 entity administering the vouchers prior to conversion
19 and any such entity shall be considered a “public
20 housing agency” authorized to engage in the oper-
21 ation of tenant-based assistance under such section
22 8(o) with respect to such converted vouchers;

23 (6) \$75,000,000 for incremental rental voucher
24 assistance for use through a supported housing pro-
25 gram administered in conjunction with the Depart-

1 ment of Veterans Affairs as authorized under section
2 8(o)(19) of the United States Housing Act of 1937:
3 *Provided*, That the Secretary of Housing and Urban
4 Development shall make such funding available, not-
5 withstanding section 204 (competition provision) of
6 this title, to public housing agencies that partner
7 with eligible VA Medical Centers or other entities as
8 designated by the Secretary of the Department of
9 Veterans Affairs, based on geographical need for
10 such assistance as identified by the Secretary of the
11 Department of Veterans Affairs, public housing
12 agency administrative performance, and other fac-
13 tors as specified by the Secretary of Housing and
14 Urban Development in consultation with the Sec-
15 retary of the Department of Veterans Affairs: *Pro-*
16 *vided further*, That Veterans Affairs Supportive
17 Housing projects may be designated as single sex
18 projects for such purposes as approved by the Sec-
19 retary of Housing and Urban Development and the
20 Secretary of the Department of Veterans Affairs,
21 notwithstanding any other statutory or regulatory
22 requirement: *Provided further*, That the Secretary of
23 Housing and Urban Development may waive, or
24 specify alternative requirements for (in consultation
25 with the Secretary of the Department of Veterans

1 Affairs), any provision of any statute or regulation
2 that the Secretary of Housing and Urban Develop-
3 ment administers in connection with the use of
4 funds made available under this paragraph (except
5 for requirements related to fair housing, non-
6 discrimination, labor standards, and the environ-
7 ment), upon a finding by the Secretary that any
8 such waivers or alternative requirements are nec-
9 essary for the effective delivery and administration
10 of such voucher assistance: *Provided further*, That
11 assistance made available under this paragraph shall
12 continue to remain available for homeless veterans
13 upon turnover;

14 (7) up to \$66,000,000 for incremental tenant-
15 based assistance for eligible families assisted under
16 the Disaster Housing Assistance Program for Hurri-
17 canes Ike and Gustav: *Provided*, That these vouchers
18 will not be re-issued when families leave the pro-
19 gram;

20 (8) \$85,000,000 for incremental voucher assist-
21 ance under section 8(o) of the United States Hous-
22 ing Act of 1937, including related administrative ex-
23 penses, for two competitive demonstration programs
24 to address the needs of families and individuals who
25 are homeless or at risk of homelessness, as defined

1 by the Secretary of Housing and Urban Develop-
2 ment, to be administered by the Department of
3 Housing and Urban Development in conjunction
4 with the Department of Health and Human Services
5 and the Department of Education: *Provided*, That
6 one demonstration program shall make funding
7 available to public housing agencies that: (1) partner
8 with eligible State or local entities responsible for
9 distributing Temporary Assistance for Needy Fami-
10 lies (TANF) and other health and human services as
11 designated by the Secretary of the Department of
12 Health and Human Services, and (2) partner with
13 school homelessness liaisons funded through the De-
14 partment of Education's Education for Homeless
15 Children and Youths program: *Provided further*,
16 That the other demonstration program shall make
17 funding available to public housing agencies that
18 partner with eligible state Medicaid agencies and
19 State behavioral health entities as designated by the
20 Secretary of the Department of Health and Human
21 Services to provide housing in conjunction with Med-
22 icaid case management, substance abuse treatment,
23 and mental health services: *Provided further*, That
24 the Secretary of Housing and Urban Development
25 shall make the funding specified in this subsection

1 available through such allocation procedures as the
2 Secretary determines to be appropriate, notwith-
3 standing section 213 of the Housing and Community
4 Development Act of 1974 (42 U.S.C. 1439) and sec-
5 tion 204 (competition provision) of this title, to enti-
6 ties with demonstrated experience and that meet
7 such other requirements as determined by the Sec-
8 retary: *Provided further*, That the Secretary of
9 Housing and Urban Development may waive, or
10 specify alternative requirements for any provision of
11 any statute or regulation that the Secretary of
12 Housing and Urban Development administers in
13 connection with the use of funds made available
14 under this paragraph (except for requirements re-
15 lated to fair housing, nondiscrimination, labor stand-
16 ards, and the environment), upon a finding by the
17 Secretary that any such waivers or alternative re-
18 quirements are necessary for the effective delivery
19 and administration of such voucher assistance: *Pro-*
20 *vided further*, That the Secretary shall publish in the
21 Federal Register any waiver of any statute or regu-
22 lation applicable to the entire demonstration that the
23 Secretary administers pursuant to this subsection no
24 later than 10 days before the effective date of such
25 waiver: *Provided further*, That assistance made avail-

1 able under this subsection shall continue to remain
2 available for these purposes upon turnover; and

3 (9) the Secretary shall separately track all spe-
4 cial purpose vouchers funded under this heading.

5 HOUSING CERTIFICATE FUND

6 (RESCISSION)

7 Unobligated balances, including recaptures and car-
8 ryover, remaining from funds appropriated to the Depart-
9 ment of Housing and Urban Development under this
10 heading, the heading “Annual Contributions for Assisted
11 Housing” and the heading “Project-Based Rental Assist-
12 ance”, for fiscal year 2011 and prior years may be used
13 for renewal of or amendments to section 8 project-based
14 contracts and for performance-based contract administra-
15 tors, notwithstanding the purposes for which such funds
16 were appropriated: *Provided*, That any obligated balances
17 of contract authority from fiscal year 1974 and prior that
18 have been terminated shall be cancelled: *Provided further*,
19 That amounts heretofore recaptured, or recaptured during
20 the current fiscal year, from project-based section 8 con-
21 tracts from source years fiscal year 1975 through fiscal
22 year 1987 are hereby rescinded, and an amount of addi-
23 tional new budget authority, equivalent to the amount re-
24 scinded is hereby appropriated, to remain available until

1 expended, for the purposes set forth under this heading,
2 in addition to amounts otherwise available.

3 PUBLIC HOUSING CAPITAL FUND

4 For the Public Housing Capital Fund Program to
5 carry out capital and management activities for public
6 housing agencies, as authorized under section 9 of the
7 United States Housing Act of 1937 (42 U.S.C. 1437g)
8 (the “Act”) \$2,500,000,000, to remain available until
9 September 30, 2014: *Provided*, That notwithstanding any
10 other provision of law or regulation, during fiscal year
11 2011 the Secretary of Housing and Urban Development
12 may not delegate to any Department official other than
13 the Deputy Secretary and the Assistant Secretary for
14 Public and Indian Housing any authority under paragraph
15 (2) of section 9(j) regarding the extension of the time peri-
16 ods under such section: *Provided further*, That for pur-
17 poses of such section 9(j), the term “obligate” means, with
18 respect to amounts, that the amounts are subject to a
19 binding agreement that will result in outlays, immediately
20 or in the future: *Provided further*, That up to \$15,345,000
21 shall be to support the ongoing Public Housing Financial
22 and Physical Assessment activities of the Real Estate As-
23 sessment Center (REAC): *Provided further*, That of the
24 total amount provided under this heading, not to exceed
25 \$30,000,000 shall be available for the Secretary to make

1 grants, notwithstanding section 204 of this Act, to public
2 housing agencies for emergency capital needs including
3 safety and security measures necessary to address crime
4 and drug-related activity as well as needs resulting from
5 unforeseen or unpreventable emergencies and natural dis-
6 asters excluding Presidentially declared emergencies and
7 natural disasters under the Robert T. Stafford Disaster
8 Relief and Emergency Act (42 U.S.C. 5121 et seq.) occur-
9 ring in fiscal year 2011: *Provided further*, That of the
10 amounts made available under the previous proviso, not
11 less than \$10,000,000 shall be for safety and security
12 measures: *Provided further*, That of the amounts provided
13 under this heading up to \$25,000,000 may be for grants
14 to be competitively awarded to public housing agencies for
15 the construction, rehabilitation or purchase of facilities to
16 be used to provide early education, adult education, job
17 training or other appropriate services to public housing
18 residents: *Provided further*, That the Department of Hous-
19 ing and Urban Development shall publish a notice of fund-
20 ing availability within 90 days of the enactment of this
21 Act: *Provided further*, That grantees shall demonstrate an
22 ability to leverage other Federal, State, local or private
23 resources for the construction, rehabilitation or acquisition
24 of such facilities, and that selected grantees shall dem-
25 onstrate a capacity to pay the long-term costs of operating

1 such facilities: *Provided further*, That of the total amount
2 provided under this heading, \$50,000,000 shall be for sup-
3 portive services, service coordinators and congregate serv-
4 ices as authorized by section 34 of the Act (42 U.S.C.
5 1437z-6) and the Native American Housing Assistance
6 and Self-Determination Act of 1996 (25 U.S.C. 4101 et
7 seq.): *Provided further*, That a Notice of Funding Avail-
8 ability for the funds provided in the previous proviso shall
9 be issued not later than 60 days after enactment of this
10 Act: *Provided further*, That of the total amount provided
11 under this heading up to \$8,820,000 is to support the
12 costs of administrative and judicial receiverships: *Provided*
13 *further*, That from the funds made available under this
14 heading, the Secretary shall provide bonus awards in fiscal
15 year 2011 to public housing agencies that are designated
16 high performers.

17 PUBLIC HOUSING OPERATING FUND

18 (INCLUDING TRANSFER OF FUNDS)

19 For 2011 payments to public housing agencies for the
20 operation and management of public housing, as author-
21 ized by section 9(e) of the United States Housing Act of
22 1937 (42 U.S.C. 1437g(e)), \$4,775,000,000: *Provided*,
23 That, in fiscal year 2009 and all fiscal years hereafter,
24 no amounts under this heading in any appropriations Act
25 may be used for payments to public housing agencies for

1 the costs of operation and management of public housing
2 for any year prior to the current year of such Act: *Pro-*
3 *vided further*, That of the amounts made available under
4 this heading, up to \$15,000,000 may be transferred to and
5 merged with the appropriation for “Transformation Initia-
6 tive”.

7 REVITALIZATION OF SEVERELY DISTRESSED PUBLIC
8 HOUSING (HOPE VI)

9 For grants to public housing agencies for demolition,
10 site revitalization, replacement housing, and tenant-based
11 assistance grants to projects as authorized by section 24
12 of the United States Housing Act of 1937 (42 U.S.C.
13 1437v), \$200,000,000, to remain available until Sep-
14 tember 30, 2012, of which the Secretary of Housing and
15 Urban Development may use up to \$5,000,000 for tech-
16 nical assistance and contract expertise, to be provided di-
17 rectly or indirectly by grants, contracts or cooperative
18 agreements, including training and cost of necessary travel
19 for participants in such training, by or to officials and em-
20 ployees of the department and of public housing agencies
21 and to residents: *Provided*, That none of such funds shall
22 be used directly or indirectly by granting competitive ad-
23 vantage in awards to settle litigation or pay judgments,
24 unless expressly permitted herein: *Provided further*, That
25 a Notice of Funding Availability for the funds provided

1 under this heading shall be issued not later than 90 days
2 after enactment of this Act: *Provided further*, That of the
3 amounts provided under this heading, up to \$90,000,000
4 may be available for a demonstration of the Choice Neigh-
5 borhoods Initiative (subject to such section 24 except as
6 otherwise specified under the provisos for this demonstra-
7 tion under this heading) for the transformation, rehabili-
8 tation and replacement housing needs of both public and
9 HUD-assisted housing and to transform neighborhoods of
10 poverty into functioning, sustainable mixed income neigh-
11 borhoods with appropriate services, public assets, trans-
12 portation and access to jobs and schools, including public
13 schools, community schools and charter schools: *Provided*
14 *further*, That for this demonstration, funds may also be
15 used for the conversion of vacant or foreclosed properties
16 to affordable housing: *Provided further*, That use of funds
17 made available for this demonstration under this heading
18 shall not be deemed to be public housing notwithstanding
19 section 3(b)(1) of such Act: *Provided further*, That grant-
20 ees shall commit to an additional period of affordability,
21 determined by the Secretary, but not fewer than 20 years:
22 *Provided further*, That grantees shall undertake com-
23 prehensive local planning with input from residents and
24 the community: *Provided further*, That for the purpose of
25 this demonstration, applicants may include local govern-

1 ments, public housing authorities, and nonprofits: *Pro-*
2 *vided further*, That for-profit developers may apply jointly
3 with a public entity: *Provided further*, That such grantees
4 shall create partnerships with other local organizations in-
5 cluding assisted housing owners, service agencies and resi-
6 dent organizations: *Provided further*, That the Secretary
7 shall consult with the Secretaries of Education, Labor,
8 Transportation, Health and Human Services, Agriculture,
9 and Commerce, and the Administrator of the Environ-
10 mental Protection Agency to coordinate and leverage other
11 appropriate Federal resources: *Provided further*, That the
12 Secretary shall develop and publish a Notice of Funding
13 Availability for the allocation and the use of such competi-
14 tive funds in this demonstration, including but not limited
15 to eligible activities, program requirements, protections
16 and services for affected residents and performance
17 metrics.

18 NATIVE AMERICAN HOUSING BLOCK GRANTS

19 For the Native American Housing Block Grants pro-
20 gram, as authorized under title I of the Native American
21 Housing Assistance and Self-Determination Act of 1996
22 (NAHASDA) (25 U.S.C. 4111 et seq.), \$700,000,000, to
23 remain available until expended: *Provided*, That, notwith-
24 standing the Native American Housing Assistance and
25 Self-Determination Act of 1996, to determine the amount

1 of the allocation under title I of such Act for each Indian
2 tribe, the Secretary shall apply the formula under section
3 302 of such Act with the need component based on single-
4 race Census data and with the need component based on
5 multi-race Census data, and the amount of the allocation
6 for each Indian tribe shall be the greater of the two result-
7 ing allocation amounts: *Provided further*, That the Depart-
8 ment shall notify grantees of their formula allocation with-
9 in 60 days of enactment of this Act: *Provided further*, That
10 of the amounts made available under this heading,
11 \$3,500,000 shall be contracted for assistance for a na-
12 tional organization representing Native American housing
13 interests for providing training and technical assistance to
14 Indian housing authorities and tribally designated housing
15 entities as authorized under NAHASDA; and \$4,250,000
16 shall be to support the inspection of Indian housing units,
17 contract expertise, training, and technical assistance in
18 the training, oversight, and management of such Indian
19 housing and tenant-based assistance, including up to
20 \$300,000 for related travel: *Provided further*, That of the
21 amount provided under this heading, \$2,000,000 shall be
22 made available for the cost of guaranteed notes and other
23 obligations, as authorized by title VI of NAHASDA: *Pro-*
24 *vided further*, That such costs, including the costs of modi-
25 fying such notes and other obligations, shall be as defined

1 in section 502 of the Congressional Budget Act of 1974,
2 as amended: *Provided further*, That these funds are avail-
3 able to subsidize the total principal amount of any notes
4 and other obligations, any part of which is to be guaran-
5 teed, not to exceed \$20,000,000.

6 NATIVE HAWAIIAN HOUSING BLOCK GRANT

7 For the Native Hawaiian Housing Block Grant pro-
8 gram, as authorized under title VIII of the Native Amer-
9 ican Housing Assistance and Self-Determination Act of
10 1996 (25 U.S.C. 4111 et seq.), \$13,000,000, to remain
11 available until expended: *Provided*, That of this amount,
12 \$300,000 shall be for training and technical assistance ac-
13 tivities, including up to \$100,000 for related travel by Ha-
14 waii-based HUD employees.

15 INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM

16 ACCOUNT

17 For the cost of guaranteed loans, as authorized by
18 section 184 of the Housing and Community Development
19 Act of 1992 (12 U.S.C. 1715z), \$9,000,000, to remain
20 available until expended: *Provided*, That such costs, in-
21 cluding the costs of modifying such loans, shall be as de-
22 fined in section 502 of the Congressional Budget Act of
23 1974: *Provided further*, That these funds are available to
24 subsidize total loan principal, any part of which is to be
25 guaranteed, up to \$994,000,000: *Provided further*, That

1 up to \$750,000 shall be for administrative contract ex-
2 penses including management processes and systems to
3 carry out the loan guarantee program.

4 NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND
5 PROGRAM ACCOUNT

6 For the cost of guaranteed loans, as authorized by
7 section 184A of the Housing and Community Develop-
8 ment Act of 1992 (12 U.S.C. 1715z), \$1,044,000, to re-
9 main available until expended: *Provided*, That such costs,
10 including the costs of modifying such loans, shall be as
11 defined in section 502 of the Congressional Budget Act
12 of 1974: *Provided further*, That these funds are available
13 to subsidize total loan principal, any part of which is to
14 be guaranteed, not to exceed \$41,504,255.

15 COMMUNITY PLANNING AND DEVELOPMENT

16 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

17 For carrying out the Housing Opportunities for Per-
18 sons with AIDS program, as authorized by the AIDS
19 Housing Opportunity Act (42 U.S.C. 12901 et seq.),
20 \$345,000,000, to remain available until September 30,
21 2012, except that amounts allocated pursuant to section
22 854(c)(3) of such Act shall remain available until Sep-
23 tember 30, 2013: *Provided*, That the Secretary shall renew
24 all expiring contracts for permanent supportive housing
25 that were funded under section 854(c)(3) of such Act that

1 meet all program requirements before awarding funds for
2 new contracts and activities authorized under this section:
3 *Provided further*, That the Department shall notify grant-
4 ees of their formula allocation within 60 days of enactment
5 of this Act.

6 COMMUNITY DEVELOPMENT FUND

7 For assistance to units of State and local govern-
8 ment, and to other entities, for economic and community
9 development activities, and for other purposes,
10 \$4,450,000,000, to remain available until September 30,
11 2013, unless otherwise specified: *Provided*, That of the
12 total amount provided, \$3,990,000,000 is for carrying out
13 the community development block grant program under
14 title I of the Housing and Community Development Act
15 of 1974, as amended (the “Act” herein) (42 U.S.C. 5301
16 et seq.): *Provided further*, That unless explicitly provided
17 for under this heading (except for planning grants pro-
18 vided in the second paragraph and amounts made avail-
19 able under the third paragraph), not to exceed 20 percent
20 of any grant made with funds appropriated under this
21 heading shall be expended for planning and management
22 development and administration: *Provided further*, That
23 the Department shall notify grantees of their formula allo-
24 cation within 60 days of enactment of this Act: *Provided*
25 *further*, That \$65,000,000 shall be for grants to Indian

1 tribes notwithstanding section 106(a)(1) of such Act, of
2 which, notwithstanding any other provision of law (includ-
3 ing section 204 of this Act), up to \$3,960,000 may be
4 used for emergencies that constitute imminent threats to
5 health and safety.

6 Of the amount made available under this heading,
7 \$170,176,000 shall be available for grants for the Eco-
8 nomic Development Initiative (EDI) to finance a variety
9 of targeted economic investments in accordance with the
10 terms and conditions specified in the explanatory state-
11 ment accompanying this Act: *Provided*, That none of the
12 funds provided under this paragraph may be used for pro-
13 gram operations: *Provided further*, That, for fiscal years
14 2009, 2010 and 2011, no unobligated funds for EDI
15 grants may be used for any purpose except acquisition,
16 planning, design, purchase of equipment, revitalization, re-
17 development or construction.

18 Of the amount made available under this heading,
19 \$23,600,000 shall be available for neighborhood initiatives
20 that are utilized to improve the conditions of distressed
21 and blighted areas and neighborhoods, to stimulate invest-
22 ment, economic diversification, and community revitaliza-
23 tion in areas with population outmigration or a stagnating
24 or declining economic base, or to determine whether hous-
25 ing benefits can be integrated more effectively with welfare

1 reform initiatives: *Provided*, That amounts made available
2 under this paragraph shall be provided in accordance with
3 the terms and conditions specified in the explanatory
4 statement accompanying this Act.

5 The referenced explanatory statement for item 113
6 under the heading “Community Development Fund” in
7 title III of division A of Public Law 109–115 is deemed
8 to be amended by striking “a pedestrian bridge” and in-
9 serting “pedestrian and disabled access improvements”.

10 The referenced statement of the managers under this
11 heading in title II of division A of Public Law 111–117
12 is deemed to be amended by striking “World Trade Center
13 of St. Louis, MO for the construction of a commercializa-
14 tion center” and inserting “World Trade Center of St.
15 Louis, MO for equipment and the construction of a com-
16 mercialization center”.

17 The referenced explanatory statement under this
18 heading in division I of Public Law 111–8 is deemed to
19 be amended with respect to “Providence Community Ac-
20 tion, RI” by striking “for purchase of a building to provide
21 transitional housing for homeless families’” and inserting
22 “for purchase and renovation of a building to provide
23 transitional housing for homeless families”.

24 The referenced explanatory statement under this
25 heading in title II of division I of Public Law 111–8 (123

1 Stat. 524), is deemed to be amended with respect to “Jef-
2 ferson County, CO” by striking “for the purchase of a
3 15-unit apartment complex located in Golden, CO to pro-
4 vide housing for homeless veterans” and inserting “for the
5 construction, purchase, or renovation of a facility to pro-
6 vide housing for homeless veterans”.

7 The referenced explanatory statement under this
8 hearing in title II of division A of Public Law 111–117
9 (123 Stat. 3034), is deemed to be amended with respect
10 to the item relating to “Jefferson County, CO” by striking
11 “For the housing authority to establish a new program
12 of housing and supportive services for homeless veterans”
13 and inserting “for the construction, purchase, or renova-
14 tion of a facility to provide housing for homeless vet-
15 erans”.

16 The referenced statement of managers under the
17 heading “Community Planning and Development” in title
18 II in division I of Public Law 111–8 is deemed to be
19 amended by striking “City of Wilson, NC, for demolition
20 of dilapidated structures from downtown Wilson to further
21 downtown redevelopment” and inserting “City of Wilson,
22 NC, for the renovation of blighted structures to enhance
23 downtown development”.

24 The referenced statement of managers under the
25 heading “Community Planning and Development” in title

1 II in division I of Public Law 111–8 is deemed to be
2 amended by striking “Catskill Visitor Interpretative Cen-
3 ter, Shandaken, NY, for construction of a visitor’s center”
4 and inserting “New York State Department of Environ-
5 mental Conservation, NY, for planning and design of the
6 Catskill Visitor Interpretative Center”.

7 The referenced statement of managers under the
8 heading “Community Planning and Development” in title
9 II in division I of Public Law 111–8 is deemed to be
10 amended by striking “Charles County Department of
11 Human Services, Maryland, Port Tobacco, MD, for acqui-
12 sition and rehabilitation of the former Changing Point
13 South facility as a homeless shelter and transitional hous-
14 ing” and inserting “Charles County Department of
15 Human Services, Port Tobacco, MD, for acquisition and
16 rehabilitation of a facility”.

17 The referenced statement of managers under the
18 heading “Community Planning and Development” in title
19 II in division I of Public Law 111–8 is deemed to be
20 amended by striking “Covenant House California, Los An-
21 geles, CA, For design and construction of a homeless
22 youth shelter” and inserting “Covenant House California,
23 Los Angeles, CA, To renovate a support services facility
24 to serve homeless youth in Los Angeles”.

1 The referenced statement of managers under the
2 heading “Community Planning and Development” in title
3 II in division A of Public Law 111–117 is deemed to be
4 amended by striking “Altadena Library District, Alta-
5 dena, CA, Renovation, expansion and ADA compliance at
6 a public library” and inserting “Altadena Library District,
7 Altadena, CA, For planning, design, renovation, expansion
8 and ADA compliance at a public library”.

9 Of the amounts made available under this heading,
10 \$150,000,000 shall be made available for a Sustainable
11 Communities Initiative to improve regional planning ef-
12 forts that integrate housing and transportation decisions,
13 and increase the capacity to improve land use and zoning:
14 *Provided*, That grants under such Initiative may only be
15 made to metropolitan planning organizations (MPOs),
16 rural planning organizations, States or other units of gen-
17 eral local government, Indian tribes, and housing-, eco-
18 nomic development- or transportation-related nonprofit or-
19 ganizations: *Provided further*, That \$100,000,000 shall be
20 for Regional Integrated Planning Grants to support the
21 linking of transportation and land use planning: *Provided*
22 *further*, That not less than \$25,000,000 of the funding
23 made available for Regional Integrated Planning Grants
24 shall be awarded to metropolitan areas of less than
25 500,000: *Provided further*, That \$40,000,000 shall be for

1 Community Challenge Planning Grants to foster reform
2 and reduce barriers to achieve affordable, economically
3 vital, and sustainable communities: *Provided further*, That
4 before funding is made available for Regional Integrated
5 Planning Grants or Community Challenge Planning
6 Grants, the Secretary, in coordination with the Secretary
7 of Transportation, shall submit a plan to the House and
8 Senate Committees on Appropriations, the Senate Com-
9 mittee on Banking and Urban Affairs, and the House
10 Committee on Financial Services detailing any changes to
11 the grant criteria or performance measures by which the
12 success of grantees will be measured that were first estab-
13 lished in fiscal year 2010: *Provided further*, That the Sec-
14 retary will consult with the Secretary of Transportation
15 in evaluating grant proposals: *Provided further*, That up
16 to \$10,000,000 shall be for a joint Department of Housing
17 and Urban Development and Department of Transpor-
18 tation research effort that shall include a rigorous evalua-
19 tion of the Regional Integrated Planning Grants and Com-
20 munity Challenge Planning Grants programs, as well as
21 to provide funding for a clearinghouse and capacity build-
22 ing efforts: *Provided further*, That of the amounts made
23 available under this heading, \$25,000,000 shall be made
24 available for the Rural Innovation Fund for grants to In-
25 dian tribes, State housing finance agencies, State commu-

1 nity and/or economic development agencies, local rural
2 nonprofits and community development corporations to
3 address the problems of concentrated rural housing dis-
4 tress and community poverty: *Provided further*, That of
5 the funding made available under the previous proviso, at
6 least \$5,000,000 shall be made available to promote eco-
7 nomic development and entrepreneurship for federally rec-
8 ognized Indian Tribes, through activities including the
9 capitalization of revolving loan programs and business
10 planning and development, funding is also made available
11 for technical assistance to increase capacity through train-
12 ing and outreach activities: *Provided further*, That the De-
13 partment of Housing and Urban Development shall pub-
14 lish a notice of funding availability for the Rural Innova-
15 tion Fund within 120 days of enactment of this Act: *Pro-*
16 *vided further*, That of the amounts made available under
17 this heading, \$26,224,000 is for grants pursuant to sec-
18 tion 107 of the Housing and Community Development Act
19 of 1974 (42 U.S.C. 5307).

20 COMMUNITY DEVELOPMENT LOAN GUARANTEES

21 PROGRAM ACCOUNT

22 For the cost of guaranteed loans, \$8,000,000, to re-
23 main available until September 30, 2012, as authorized
24 by section 108 of the Housing and Community Develop-
25 ment Act of 1974 (42 U.S.C. 5308): *Provided*, That such

1 costs, including the cost of modifying such loans, shall be
2 as defined in section 502 of the Congressional Budget Act
3 of 1974: *Provided further*, That these funds are available
4 to subsidize total loan principal, any part of which is to
5 be guaranteed, not to exceed \$341,880,000, notwith-
6 standing any aggregate limitation on outstanding obliga-
7 tions guaranteed in section 108(k) of the Housing and
8 Community Development Act of 1974, as amended.

9 BROWNFIELDS REDEVELOPMENT

10 For competitive economic development grants, as au-
11 thorized by section 108(q) of the Housing and Community
12 Development Act of 1974, as amended, for Brownfields
13 redevelopment projects, \$10,000,000, to remain available
14 until September 30, 2012: *Provided*, That no funds made
15 available under this heading may be used to establish loan
16 loss reserves for the section 108 Community Development
17 Loan Guarantee program: *Provided further*, That a Notice
18 of Funding Availability shall be issued not later than 90
19 days after enactment of this Act.

20 HOME INVESTMENT PARTNERSHIPS PROGRAM

21 For the HOME investment partnerships program, as
22 authorized under title II of the Cranston-Gonzalez Na-
23 tional Affordable Housing Act, as amended,
24 \$1,825,000,000, to remain available until September 30,
25 2013: *Provided*, That, funds provided in prior appropria-

1 tions Acts for technical assistance, that were made avail-
2 able for Community Housing Development Organizations
3 technical assistance, and that still remain available, may
4 be used for HOME technical assistance notwithstanding
5 the purposes for which such amounts were appropriated:
6 *Provided further*, That the Department shall notify grant-
7 ees of their formula allocation within 60 days of enactment
8 of this Act.

9 SELF-HELP AND ASSISTED HOMEOWNERSHIP

10 OPPORTUNITY PROGRAM

11 For the Self-Help and Assisted Homeownership Op-
12 portunity Program, as authorized under section 11 of the
13 Housing Opportunity Program Extension Act of 1996, as
14 amended, \$82,000,000, to remain available until Sep-
15 tember 30, 2012: *Provided*, That of the total amount pro-
16 vided under this heading, \$27,000,000 shall be made
17 available to the Self-Help and Assisted Homeownership
18 Opportunity Program as authorized under section 11 of
19 the Housing Opportunity Program Extension Act of 1996,
20 as amended: *Provided further*, That \$50,000,000 shall be
21 made available for the second, third and fourth capacity
22 building activities authorized under section 4(a) of the
23 HUD Demonstration Act of 1993 (42 U.S.C. 9816 note),
24 of which not less than \$5,000,000 may be made available
25 for rural capacity building activities: *Provided further*,

1 That \$5,000,000 shall be made available for capacity
2 building activities as authorized in sections 6301 through
3 6305 of Public Law 110–246: *Provided further*, That a
4 Notice of Funding Availability shall be issued not later
5 than 90 days after enactment of this Act.

6 HOMELESS ASSISTANCE GRANTS

7 For the emergency solutions grants program as au-
8 thorized under subtitle B of title IV of the McKinney-
9 Vento Homeless Assistance Act, as amended; the con-
10 tinuum of care program as authorized under subtitle C
11 of title IV of such Act; and the rural housing stability as-
12 sistance program as authorized under subtitle D of title
13 IV of such Act, \$2,200,000,000, of which \$2,195,000,000
14 shall remain available until September 30, 2013, and of
15 which \$5,000,000 shall remain available until expended
16 for project-based rental assistance with rehabilitation for
17 such projects with 10-year grant terms and any rental as-
18 sistance amounts that are recaptured under such con-
19 tinuum of care program shall remain available until ex-
20 pended: *Provided*, That at least \$345,000,000 of the funds
21 appropriated under this heading shall be available for such
22 emergency solutions grants program: *Provided further*,
23 That up to \$1,844,000,000 of the funds appropriated
24 under this heading shall be available for such continuum
25 of care and rural housing stability assistance programs:

1 *Provided further*, That up to \$6,000,000 of the funds ap-
2 propriated under this heading shall be available for the
3 national homeless data analysis project: *Provided further*,
4 That for all match requirements applicable to funds made
5 available under this heading for this fiscal year and prior
6 years, a grantee may use (or could have used) as a source
7 of match funds other funds administered by the Secretary
8 and other Federal agencies unless there is (or was) a spe-
9 cific statutory prohibition on any such use of any such
10 funds: *Provided further*, That the Secretary shall renew
11 on an annual basis expiring contracts or amendments to
12 contracts funded under the continuum of care program if
13 the program is determined to be needed under the applica-
14 ble continuum of care and meets appropriate program re-
15 quirements and financial standards, as determined by the
16 Secretary: *Provided further*, That all awards of assistance
17 under this heading shall be required to coordinate and in-
18 tegrate homeless programs with other mainstream health,
19 social services, and employment programs for which home-
20 less populations may be eligible, including Medicaid, State
21 Children's Health Insurance Program, Temporary Assist-
22 ance for Needy Families, Food Stamps, and services fund-
23 ing through the Mental Health and Substance Abuse
24 Block Grant, Workforce Investment Act, and the Welfare-
25 to-Work grant program: *Provided further*, That all bal-

1 ances for Shelter Plus Care renewals previously funded
2 from the Shelter Plus Care Renewal account and trans-
3 ferred to this account shall be available, if recaptured, for
4 continuum of care renewals in fiscal year 2011.

5 HOUSING PROGRAMS

6 PROJECT-BASED RENTAL ASSISTANCE

7 For activities and assistance for the provision of
8 project-based subsidy contracts under the United States
9 Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the
10 Act”), not otherwise provided for, \$8,882,328,000, to re-
11 main available until expended, shall be available on Octo-
12 ber 1, 2010 (in addition to the \$393,672,000 previously
13 appropriated under this heading that will become available
14 October 1, 2010), and \$400,000,000, to remain available
15 until expended, shall be available on October 1, 2011: *Pro-*
16 *vided*, That the amounts made available under this head-
17 ing shall be available for expiring or terminating section
18 8 project-based subsidy contracts (including section 8
19 moderate rehabilitation contracts), for amendments to sec-
20 tion 8 project-based subsidy contracts (including section
21 8 moderate rehabilitation contracts), for contracts entered
22 into pursuant to section 441 of the McKinney-Vento
23 Homeless Assistance Act (42 U.S.C. 11401), for renewal
24 of section 8 contracts for units in projects that are subject
25 to approved plans of action under the Emergency Low In-

1 come Housing Preservation Act of 1987 or the Low-In-
2 come Housing Preservation and Resident Homeownership
3 Act of 1990, and for administrative and other expenses
4 associated with project-based activities and assistance
5 funded under this paragraph: *Provided further*, That of
6 the total amounts provided under this heading, not to ex-
7 ceed \$326,000,000 shall be available for performance-
8 based contract administrators for section 8 project-based
9 assistance: *Provided further*, That the Secretary of Hous-
10 ing and Urban Development may also use such amounts
11 in the previous proviso for performance-based contract ad-
12 ministrators for the administration of: interest reduction
13 payments pursuant to section 236(a) of the National
14 Housing Act (12 U.S.C. 1715z-1(a)); rent supplement
15 payments pursuant to section 101 of the Housing and
16 Urban Development Act of 1965 (12 U.S.C. 1701s); sec-
17 tion 236(f)(2) rental assistance payments (12 U.S.C.
18 1715z-1(f)(2)); project rental assistance contracts for the
19 elderly under section 202(c)(2) of the Housing Act of
20 1959 (12 U.S.C. 1701q); project rental assistance con-
21 tracts for supportive housing for persons with disabilities
22 under section 811(d)(2) of the Cranston-Gonzalez Na-
23 tional Affordable Housing Act (42 U.S.C. 8013(d)(2));
24 project assistance contracts pursuant to section 202(h) of
25 the Housing Act of 1959 (Public Law 86-372; 73 Stat.

1 667); and loans under section 202 of the Housing Act of
2 1959 (Public Law 86–372; 73 Stat. 667): *Provided fur-*
3 *ther*, That amounts recaptured under this heading, the
4 heading “Annual Contributions for Assisted Housing”, or
5 the heading “Housing Certificate Fund” may be used for
6 renewals of or amendments to section 8 project-based con-
7 tracts or for performance-based contract administrators,
8 notwithstanding the purposes for which such amounts
9 were appropriated.

10 HOUSING FOR THE ELDERLY

11 For capital advances, including amendments to cap-
12 ital advance contracts, for housing for the elderly, as au-
13 thorized by section 202 of the Housing Act of 1959, as
14 amended, and for project rental assistance for the elderly
15 under section 202(c)(2) of such Act, including amend-
16 ments to contracts for such assistance and renewal of ex-
17 piring contracts for such assistance for up to a 1-year
18 term, and for supportive services associated with the hous-
19 ing, \$825,000,000, to remain available until September
20 30, 2014, of which up to \$465,000,000 shall be for capital
21 advance and project-based rental assistance awards: *Pro-*
22 *vided*, That amounts for project rental assistance con-
23 tracts are to remain available for the liquidation of valid
24 obligations for 10 years following the date of such obliga-
25 tion: *Provided further*, That of the amount provided under

1 this heading, up to \$90,000,000 shall be for service coordi-
2 nators and the continuation of existing congregate service
3 grants for residents of assisted housing projects, and of
4 which up to \$40,000,000 shall be for grants under section
5 202b of the Housing Act of 1959 (12 U.S.C. 1701q-2)
6 for conversion of eligible projects under such section to
7 assisted living or related use and for substantial and emer-
8 gency capital repairs as determined by the Secretary: *Pro-*
9 *vided further*, That of the amount made available under
10 this heading, \$20,000,000 shall be available to the Sec-
11 retary of Housing and Urban Development only for mak-
12 ing competitive grants to private nonprofit organizations
13 and consumer cooperatives for covering costs of architec-
14 tural and engineering work, site control, and other plan-
15 ning relating to the development of supportive housing for
16 the elderly that is eligible for assistance under section 202
17 of the Housing Act of 1959 (12 U.S.C. 1701q): *Provided*
18 *further*, That amounts under this heading shall be avail-
19 able for Real Estate Assessment Center inspections and
20 inspection-related activities associated with section 202
21 capital advance projects: *Provided further*, That the Sec-
22 retary may waive the provisions of section 202 governing
23 the terms and conditions of project rental assistance, ex-
24 cept that the initial contract term for such assistance shall
25 not exceed 5 years in duration.

1 HOUSING FOR PERSONS WITH DISABILITIES

2 For capital advance contracts, including amendments
3 to capital advance contracts, for supportive housing for
4 persons with disabilities, as authorized by section 811 of
5 the Cranston-Gonzalez National Affordable Housing Act
6 (42 U.S.C. 8013), for project rental assistance for sup-
7 portive housing for persons with disabilities under section
8 811(d)(2) of such Act, including amendments to contracts
9 for such assistance and renewal of expiring contracts for
10 such assistance for up to a 1-year term, and for supportive
11 services associated with the housing for persons with dis-
12 abilities as authorized by section 811(b)(1) of such Act,
13 \$235,000,000, of which up to \$169,000,000 shall be for
14 capital advances and project-based rental assistance con-
15 tracts, to remain available until September 30, 2014: *Pro-*
16 *vided*, That amounts for project rental assistance con-
17 tracts are to remain available for the liquidation of valid
18 obligations for 10 years following the date of such obliga-
19 tion: *Provided further*, That the Secretary may waive the
20 provisions of section 811 governing the terms and condi-
21 tions of project rental assistance, except that the initial
22 contract term for such assistance shall not exceed 5 years
23 in duration: *Provided further*, That amounts made avail-
24 able under this heading shall be available for Real Estate
25 Assessment Center inspections and inspection-related ac-

1 tivities associated with section 811 Capital Advance
2 Projects.

3 HOUSING COUNSELING ASSISTANCE

4 For contracts, grants, and other assistance excluding
5 loans, as authorized under section 106 of the Housing and
6 Urban Development Act of 1968, as amended,
7 \$88,000,000, including up to \$2,500,000 for administra-
8 tive contract services, to remain available until September
9 30, 2012: *Provided*, That funds shall be used for providing
10 counseling and advice to tenants and homeowners, both
11 current and prospective, with respect to property mainte-
12 nance, financial management/literacy, and such other mat-
13 ters as may be appropriate to assist them in improving
14 their housing conditions, meeting their financial needs,
15 and fulfilling the responsibilities of tenancy or homeowner-
16 ship; for program administration; and for housing coun-
17 selor training.

18 OTHER ASSISTED HOUSING PROGRAMS

19 RENTAL HOUSING ASSISTANCE

20 For amendments to or extensions for up to 1 year
21 of expiring contracts under section 101 of the Housing
22 and Urban Development Act of 1965 (12 U.S.C. 1701s)
23 and section 236(f)(2) of the National Housing Act (12
24 U.S.C. 1715z-1) in State-aided, noninsured rental hous-

1 ing projects, \$40,600,000, to remain available until ex-
2 pended.

3 RENT SUPPLEMENT

4 (RESCISSION)

5 Of the amounts recaptured from terminated con-
6 tracts under section 101 of the Housing and Urban Devel-
7 opment Act of 1965 (12 U.S.C. 1701s) and section 236
8 of the National Housing Act (12 U.S.C. 1715z-1)
9 \$40,600,000 are rescinded: *Provided*, That no amounts
10 may be rescinded from amounts that were designated by
11 the Congress as an emergency requirement pursuant to
12 the Concurrent Resolution on the Budget or the Balanced
13 Budget and Emergency Deficit Control Act of 1985, as
14 amended.

15 PAYMENT TO MANUFACTURED HOUSING FEES TRUST

16 FUND

17 For necessary expenses as authorized by the National
18 Manufactured Housing Construction and Safety Stand-
19 ards Act of 1974 (42 U.S.C. 5401 et seq.), up to
20 \$14,000,000, to remain available until expended, of which
21 \$7,000,000 is to be derived from the Manufactured Hous-
22 ing Fees Trust Fund: *Provided*, That not to exceed the
23 total amount appropriated under this heading shall be
24 available from the general fund of the Treasury to the ex-
25 tent necessary to incur obligations and make expenditures

1 pending the receipt of collections to the Fund pursuant
2 to section 620 of such Act: *Provided further*, That the
3 amount made available under this heading from the gen-
4 eral fund shall be reduced as such collections are received
5 during fiscal year 2011 so as to result in a final fiscal
6 year 2011 appropriation from the general fund estimated
7 at not more than \$7,000,000 and fees pursuant to such
8 section 620 shall be modified as necessary to ensure such
9 a final fiscal year 2011 appropriation: *Provided further*,
10 That for the dispute resolution and installation programs,
11 the Secretary of Housing and Urban Development may
12 assess and collect fees from any program participant: *Pro-*
13 *vided further*, That such collections shall be deposited into
14 the Fund, and the Secretary, as provided herein, may use
15 such collections, as well as fees collected under section
16 620, for necessary expenses of such Act: *Provided further*,
17 That notwithstanding the requirements of section 620 of
18 such Act, the Secretary may carry out responsibilities of
19 the Secretary under such Act through the use of approved
20 service providers that are paid directly by the recipients
21 of their services.

1 FEDERAL HOUSING ADMINISTRATION
2 MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT
3 (INCLUDING TRANSFER OF FUNDS)

4 New commitments to guarantee single family loans
5 insured under the Mutual Mortgage Insurance Fund shall
6 not exceed \$400,000,000,000, to remain available until
7 September 30, 2012: *Provided*, That during fiscal year
8 2011, obligations to make direct loans to carry out the
9 purposes of section 204(g) of the National Housing Act,
10 as amended, shall not exceed \$50,000,000: *Provided fur-*
11 *ther*, That the foregoing amount in the previous proviso
12 shall be for loans to nonprofit and governmental entities
13 in connection with sales of single family real properties
14 owned by the Secretary and formerly insured under the
15 Mutual Mortgage Insurance Fund. For administrative
16 contract expenses of the Federal Housing Administration,
17 \$221,125,000, to remain available until September 30,
18 2012, of which up to \$71,500,000 may be transferred to
19 and merged with the Working Capital Fund: *Provided fur-*
20 *ther*, That to the extent guaranteed loan commitments ex-
21 ceed \$200,000,000,000 on or before April 1, 2011, an ad-
22 ditional \$1,400 for administrative contract expenses shall
23 be available for each \$1,000,000 in additional guaranteed
24 loan commitments (including a pro rata amount for any

1 amount below \$1,000,000), but in no case shall funds
2 made available by this proviso exceed \$30,000,000.

3 GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

4 During fiscal year 2011, commitments to guarantee
5 loans incurred under the General and Special Risk Insur-
6 ance Funds, as authorized by sections 238 and 519 of the
7 National Housing Act (12 U.S.C. 1715z-3 and 1735c),
8 shall not exceed \$20,000,000,000 in total loan principal,
9 any part of which is to be guaranteed.

10 Gross obligations for the principal amount of direct
11 loans, as authorized by sections 204(g), 207(l), 238, and
12 519(a) of the National Housing Act, shall not exceed
13 \$20,000,000, which shall be for loans to nonprofit and
14 governmental entities in connection with the sale of single
15 family real properties owned by the Secretary and for-
16 merly insured under such Act.

17 GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

18 GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN

19 GUARANTEE PROGRAM ACCOUNT

20 New commitments to issue guarantees to carry out
21 the purposes of section 306 of the National Housing Act,
22 as amended (12 U.S.C. 1721(g)), shall not exceed
23 \$500,000,000,000, to remain available until September
24 30, 2012.

1 POLICY DEVELOPMENT AND RESEARCH

2 RESEARCH AND TECHNOLOGY

3 For contracts, grants, and necessary expenses of pro-
4 grams of research and studies relating to housing and
5 urban problems, not otherwise provided for, as authorized
6 by title V of the Housing and Urban Development Act
7 of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying
8 out the functions of the Secretary of Housing and Urban
9 Development under section 1(a)(1)(i) of Reorganization
10 Plan No. 2 of 1968, \$54,000,000, to remain available
11 until September 30, 2012.

12 FAIR HOUSING AND EQUAL OPPORTUNITY

13 FAIR HOUSING ACTIVITIES

14 For contracts, grants, and other assistance, not oth-
15 erwise provided for, as authorized by title VIII of the Civil
16 Rights Act of 1968, as amended by the Fair Housing
17 Amendments Act of 1988, and section 561 of the Housing
18 and Community Development Act of 1987, as amended,
19 \$72,000,000, to remain available until September 30,
20 2012, of which \$42,500,000 shall be to carry out activities
21 pursuant to such section 561: *Provided*, That of the funds
22 made available to carry out section 561, not less than
23 \$10,000,000 shall be available to carry out authorized ac-
24 tivities, including training, education and enforcement in
25 order to protect the public from discriminatory lending

1 practices and mortgage rescue scams: *Provided further*,
 2 That the Secretary shall publish a notice of funding avail-
 3 ability for amounts made available under the previous pro-
 4 viso within 30 days of the enactment of this Act: *Provided*
 5 *further*, That notwithstanding 31 U.S.C. 3302, the Sec-
 6 retary may assess and collect fees to cover the costs of
 7 the Fair Housing Training Academy, and may use such
 8 funds to provide such training: *Provided further*, That no
 9 funds made available under this heading shall be used to
 10 lobby the executive or legislative branches of the Federal
 11 Government in connection with a specific contract, grant
 12 or loan: *Provided further*, That of the funds made available
 13 under this heading, \$500,000 shall be available to the Sec-
 14 retary of Housing and Urban Development for the cre-
 15 ation and promotion of translated materials and other pro-
 16 grams that support the assistance of persons with limited
 17 English proficiency in utilizing the services provided by
 18 the Department of Housing and Urban Development.

19 OFFICE OF HEALTHY HOMES AND LEAD HAZARD

20 CONTROL

21 LEAD HAZARD REDUCTION

22 For the Lead Hazard Reduction Program, as author-
 23 ized by section 1011 of the Residential Lead-Based Paint
 24 Hazard Reduction Act of 1992, \$140,000,000, to remain
 25 available until September 30, 2012, of which not less than

1 \$20,000,000 shall be for the Healthy Homes Initiative,
2 pursuant to sections 501 and 502 of the Housing and
3 Urban Development Act of 1970 that shall include re-
4 search, studies, testing, and demonstration efforts, includ-
5 ing education and outreach concerning lead-based paint
6 poisoning and other housing-related diseases and hazards:
7 *Provided*, That for purposes of environmental review, pur-
8 suant to the National Environmental Policy Act of 1969
9 (42 U.S.C. 4321 et seq.) and other provisions of the law
10 that further the purposes of such Act, a grant under the
11 Healthy Homes Initiative, Operation Lead Elimination
12 Action Plan (LEAP), or the Lead Technical Studies pro-
13 gram under this heading or under prior appropriations
14 Acts for such purposes under this heading, shall be consid-
15 ered to be funds for a special project for purposes of sec-
16 tion 305(c) of the Multifamily Housing Property Disposi-
17 tion Reform Act of 1994: *Provided further*, That of the
18 total amount made available under this heading,
19 \$48,000,000 shall be made available on a competitive
20 basis for areas with the highest lead paint abatement
21 needs: *Provided further*, That each recipient of funds pro-
22 vided under the second proviso shall make a matching con-
23 tribution in an amount not less than 25 percent: *Provided*
24 *further*, That the Secretary may waive the matching re-
25 quirement cited in the preceding proviso on a case by case

1 basis if the Secretary determines that such a waiver is nec-
2 essary to advance the purposes of this program: *Provided*
3 *further*, That each applicant shall submit a detailed plan
4 and strategy that demonstrates adequate capacity that is
5 acceptable to the Secretary to carry out the proposed use
6 of funds pursuant to a notice of funding availability: *Pro-*
7 *vided further*, That amounts made available under this
8 heading in this or prior appropriations Acts, and that still
9 remain available, may be used for any purpose under this
10 heading notwithstanding the purpose for which such
11 amounts were appropriated if a program competition is
12 undersubscribed and there are other program competitions
13 under this heading that are oversubscribed: *Provided fur-*
14 *ther*, That a Notice of Funding Availability shall be issued
15 not later than 120 days after enactment of this Act.

16 MANAGEMENT AND ADMINISTRATION

17 WORKING CAPITAL FUND

18 For additional capital for the Working Capital Fund
19 (42 U.S.C. 3535) for the maintenance of infrastructure
20 for Department-wide information technology systems, for
21 the continuing operation and maintenance of both Depart-
22 ment-wide and program-specific information systems, and
23 for program-related maintenance activities, \$228,500,000,
24 to remain available until September 30, 2012: *Provided*,
25 That any amounts transferred to this Fund under this Act

1 shall remain available until expended: *Provided further*,
2 That any amounts transferred to this Fund from amounts
3 appropriated by previously enacted appropriations Acts
4 may be used for the purposes specified under this Fund,
5 in addition to any other information technology the pur-
6 poses for which such amounts were appropriated.

7 OFFICE OF INSPECTOR GENERAL

8 For necessary salaries and expenses of the Office of
9 Inspector General in carrying out the Inspector General
10 Act of 1978, as amended, \$125,000,000: *Provided*, That
11 the Inspector General shall have independent authority
12 over all personnel issues within this office.

13 TRANSFORMATION INITIATIVE

14 (INCLUDING TRANSFER OF FUNDS)

15 For necessary expenses for combating mortgage
16 fraud, \$20,000,000, to remain available until expended.
17 In addition, of the amounts made available in this Act
18 under each of the following headings under this title, the
19 Secretary may transfer to, and merge with, this account
20 up to 1 percent from each such account, and such trans-
21 ferred amounts shall be available until September 30,
22 2015, for: (1) research, evaluation, and program metrics;
23 (2) program demonstrations; (3) technical assistance and
24 capacity building; and (4) information technology: “Hous-
25 ing Opportunities for Persons With AIDS”, “Community

1 Development Fund”, “Housing Counseling Assistance”,
2 “Payment to Manufactured Housing Fees Trust Fund”,
3 “Mutual Mortgage Insurance Program Account”, “Lead
4 Hazard Reduction”, and “Rental Housing Assistance”:
5 *Provided*, That of the amounts made available under this
6 paragraph, not less than \$100,000,000 and not more than
7 \$116,000,000 shall be available for information technology
8 modernization, including development and deployment of
9 a Next Generation of Voucher Management System and
10 development and deployment of modernized Federal Hous-
11 ing Administration systems: *Provided further*, That not
12 more than 25 percent of the funds made available for in-
13 formation technology modernization may be obligated
14 until the Secretary submits to the Committees on Appro-
15 priations a plan for expenditure that: (1) identifies for
16 each modernization project: (a) the functional and per-
17 formance capabilities to be delivered and the mission bene-
18 fits to be realized; (b) the estimated lifecycle cost; and (c)
19 key milestones to be met; (2) demonstrates that each mod-
20 ernization project is: (a) compliant with the department’s
21 enterprise architecture; (b) being managed in accordance
22 with applicable lifecycle management policies and guid-
23 ance; (c) subject to the department’s capital planning and
24 investment control requirements; and (d) supported by an
25 adequately staffed project office; and (3) has been re-

1 viewed by the Government Accountability Office: *Provided*
2 *further*, That of the amounts made available under this
3 paragraph, not more than \$45,000,000 shall be available
4 for technical assistance and capacity building: *Provided*
5 *further*, That technical assistance activities shall include,
6 technical assistance for HUD programs, including
7 HOME, Community Development Block Grant, homeless
8 programs, HOPWA, HOPE VI, Public Housing, the
9 Housing Choice Voucher Program, Fair Housing Initia-
10 tive Program, Housing Counseling, Healthy Homes, Sus-
11 tainable Communities, Energy Innovation Fund and other
12 technical assistance as determined by the Secretary: *Pro-*
13 *vided further*, That of the amounts made available for re-
14 search, evaluation and program metrics and program dem-
15 onstrations, the Secretary shall include an assessment of
16 the effectiveness of HUD funded service coordinators:
17 *Provided further*, That the Secretary shall submit a plan
18 to the House and Senate Committees on Appropriations
19 for approval detailing how the funding provided under this
20 heading will be allocated to each of the categories identi-
21 fied under this heading and for what projects or activities
22 funding will be used: *Provided further*, That following the
23 initial approval of this plan, the Secretary may amend the
24 plan with the approval of the House and Senate Commit-
25 tees on Appropriations: *Provided further*, That with re-

1 spect to amounts made available under this heading for
2 research, evaluation, program metrics, and program dem-
3 onstrations, notwithstanding section 204 of this title, the
4 Secretary may make grants or enter into cooperative
5 agreements that include a substantial match contribution.

6 GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND
7 URBAN DEVELOPMENT

8 SEC. 201. Fifty percent of the amounts of budget au-
9 thority, or in lieu thereof 50 percent of the cash amounts
10 associated with such budget authority, that are recaptured
11 from projects described in section 1012(a) of the Stewart
12 B. McKinney Homeless Assistance Amendments Act of
13 1988 (42 U.S.C. 1437 note) shall be rescinded or in the
14 case of cash, shall be remitted to the Treasury, and such
15 amounts of budget authority or cash recaptured and not
16 rescinded or remitted to the Treasury shall be used by
17 State housing finance agencies or local governments or
18 local housing agencies with projects approved by the Sec-
19 retary of Housing and Urban Development for which set-
20 tlement occurred after January 1, 1992, in accordance
21 with such section. Notwithstanding the previous sentence,
22 the Secretary may award up to 15 percent of the budget
23 authority or cash recaptured and not rescinded or remitted
24 to the Treasury to provide project owners with incentives
25 to refinance their project at a lower interest rate.

1 SEC. 202. None of the amounts made available under
2 this Act may be used during fiscal year 2011 to investigate
3 or prosecute under the Fair Housing Act any otherwise
4 lawful activity engaged in by one or more persons, includ-
5 ing the filing or maintaining of a nonfrivolous legal action,
6 that is engaged in solely for the purpose of achieving or
7 preventing action by a Government official or entity, or
8 a court of competent jurisdiction.

9 SEC. 203. (a) Notwithstanding section 854(c)(1)(A)
10 of the AIDS Housing Opportunity Act (42 U.S.C.
11 12903(c)(1)(A)), from any amounts made available under
12 this title for fiscal year 2011 that are allocated under such
13 section, the Secretary of Housing and Urban Development
14 shall allocate and make a grant, in the amount determined
15 under subsection (b), for any State that—

16 (1) received an allocation in a prior fiscal year
17 under clause (ii) of such section; and

18 (2) is not otherwise eligible for an allocation for
19 fiscal year 2011 under such clause (ii) because the
20 areas in the State outside of the metropolitan statis-
21 tical areas that qualify under clause (i) in fiscal year
22 2011 do not have the number of cases of acquired
23 immunodeficiency syndrome (AIDS) required under
24 such clause.

1 (b) The amount of the allocation and grant for any
2 State described in subsection (a) shall be an amount based
3 on the cumulative number of AIDS cases in the areas of
4 that State that are outside of metropolitan statistical
5 areas that qualify under clause (i) of such section
6 854(c)(1)(A) in fiscal year 2011, in proportion to AIDS
7 cases among cities and States that qualify under clauses
8 (i) and (ii) of such section and States deemed eligible
9 under subsection (a).

10 (c) Notwithstanding any other provision of law, the
11 amount allocated for fiscal year 2011 under section 854(c)
12 of the AIDS Housing Opportunity Act (42 U.S.C.
13 12903(c)), to the City of New York, New York, on behalf
14 of the New York-Wayne-White Plains, New York-New
15 Jersey Metropolitan Division (hereafter “metropolitan di-
16 vision”) of the New York-Newark-Edison, NY–NJ–PA
17 Metropolitan Statistical Area, shall be adjusted by the
18 Secretary of Housing and Urban Development by: (1) allo-
19 cating to the City of Jersey City, New Jersey, the propor-
20 tion of the metropolitan area’s or division’s amount that
21 is based on the number of cases of AIDS reported in the
22 portion of the metropolitan area or division that is located
23 in Hudson County, New Jersey, and adjusting for the pro-
24 portion of the metropolitan division’s high incidence bonus
25 if this area in New Jersey also has a higher than average

1 per capita incidence of AIDS; and (2) allocating to the
2 City of Paterson, New Jersey, the proportion of the metro-
3 politan area's or division's amount that is based on the
4 number of cases of AIDS reported in the portion of the
5 metropolitan area or division that is located in Bergen
6 County and Passaic County, New Jersey, and adjusting
7 for the proportion of the metropolitan division's high inci-
8 dence bonus if this area in New Jersey also has a higher
9 than average per capita incidence of AIDS. The recipient
10 cities shall use amounts allocated under this subsection
11 to carry out eligible activities under section 855 of the
12 AIDS Housing Opportunity Act (42 U.S.C. 12904) in
13 their respective portions of the metropolitan division that
14 is located in New Jersey.

15 (d) Notwithstanding any other provision of law, the
16 amount allocated for fiscal year 2011 under section 854(c)
17 of the AIDS Housing Opportunity Act (42 U.S.C.
18 12903(c)) to areas with a higher than average per capita
19 incidence of AIDS, shall be adjusted by the Secretary on
20 the basis of area incidence reported over a 3-year period.

21 SEC. 204. Except as explicitly provided in law, any
22 grant, cooperative agreement or other assistance made
23 pursuant to title II of this Act shall be made on a competi-
24 tive basis and in accordance with section 102 of the De-

1 partment of Housing and Urban Development Reform Act
2 of 1989 (42 U.S.C. 3545).

3 SEC. 205. Funds of the Department of Housing and
4 Urban Development subject to the Government Corpora-
5 tion Control Act or section 402 of the Housing Act of
6 1950 shall be available, without regard to the limitations
7 on administrative expenses, for legal services on a contract
8 or fee basis, and for utilizing and making payment for
9 services and facilities of the Federal National Mortgage
10 Association, Government National Mortgage Association,
11 Federal Home Loan Mortgage Corporation, Federal Fi-
12 nancing Bank, Federal Reserve banks or any member
13 thereof, Federal Home Loan banks, and any insured bank
14 within the meaning of the Federal Deposit Insurance Cor-
15 poration Act, as amended (12 U.S.C. 1811-1).

16 SEC. 206. Unless otherwise provided for in this Act
17 or through a reprogramming of funds, no part of any ap-
18 propriation for the Department of Housing and Urban
19 Development shall be available for any program, project
20 or activity in excess of amounts set forth in the budget
21 estimates submitted to Congress.

22 SEC. 207. Corporations and agencies of the Depart-
23 ment of Housing and Urban Development which are sub-
24 ject to the Government Corporation Control Act, are here-
25 by authorized to make such expenditures, within the limits

1 of funds and borrowing authority available to each such
2 corporation or agency and in accordance with law, and to
3 make such contracts and commitments without regard to
4 fiscal year limitations as provided by section 104 of such
5 Act as may be necessary in carrying out the programs set
6 forth in the budget for 2011 for such corporation or agen-
7 cy except as hereinafter provided: *Provided*, That collec-
8 tions of these corporations and agencies may be used for
9 new loan or mortgage purchase commitments only to the
10 extent expressly provided for in this Act (unless such loans
11 are in support of other forms of assistance provided for
12 in this or prior appropriations Acts), except that this pro-
13 viso shall not apply to the mortgage insurance or guaranty
14 operations of these corporations, or where loans or mort-
15 gage purchases are necessary to protect the financial in-
16 terest of the United States Government.

17 SEC. 208. The Secretary of Housing and Urban De-
18 velopment shall provide quarterly reports to the House
19 and Senate Committees on Appropriations regarding all
20 uncommitted, unobligated, recaptured and excess funds in
21 each program and activity within the jurisdiction of the
22 Department and shall submit additional, updated budget
23 information to these Committees upon request.

24 SEC. 209. (a) Notwithstanding any other provision
25 of law, the amount allocated for fiscal year 2011 under

1 section 854(c) of the AIDS Housing Opportunity Act (42
2 U.S.C. 12903(e)), to the City of Wilmington, Delaware,
3 on behalf of the Wilmington, Delaware-Maryland-New
4 Jersey Metropolitan Division (hereafter “metropolitan di-
5 vision”), shall be adjusted by the Secretary of Housing
6 and Urban Development by allocating to the State of New
7 Jersey the proportion of the metropolitan division’s
8 amount that is based on the number of cases of AIDS
9 reported in the portion of the metropolitan division that
10 is located in New Jersey, and adjusting for the proportion
11 of the metropolitan division’s high-incidence bonus if this
12 area in New Jersey also has a higher than average per
13 capita incidence of AIDS. The State of New Jersey shall
14 use amounts allocated to the State under this subsection
15 to carry out eligible activities under section 855 of the
16 AIDS Housing Opportunity Act (42 U.S.C. 12904) in the
17 portion of the metropolitan division that is located in New
18 Jersey.

19 (b) Notwithstanding any other provision of law, the
20 Secretary of Housing and Urban Development shall allo-
21 cate to Wake County, North Carolina, the amounts that
22 otherwise would be allocated for fiscal year 2011 under
23 section 854(c) of the AIDS Housing Opportunity Act (42
24 U.S.C. 12903(e)) to the City of Raleigh, North Carolina,
25 on behalf of the Raleigh-Cary, North Carolina Metropoli-

1 tan Statistical Area. Any amounts allocated to Wake
2 County shall be used to carry out eligible activities under
3 section 855 of such Act (42 U.S.C. 12904) within such
4 metropolitan statistical area.

5 (c) Notwithstanding section 854(c) of the AIDS
6 Housing Opportunity Act (42 U.S.C. 12903(c)), the Sec-
7 retary of Housing and Urban Development may adjust the
8 allocation of the amounts that otherwise would be allo-
9 cated for fiscal year 2011 under section 854(c) of such
10 Act, upon the written request of an applicant, in conjunc-
11 tion with the State(s), for a formula allocation on behalf
12 of a metropolitan statistical area, to designate the State
13 or States in which the metropolitan statistical area is lo-
14 cated as the eligible grantee(s) of the allocation. In the
15 case that a metropolitan statistical area involves more
16 than one State, such amounts allocated to each State shall
17 be in proportion to the number of cases of AIDS reported
18 in the portion of the metropolitan statistical area located
19 in that State. Any amounts allocated to a State under this
20 section shall be used to carry out eligible activities within
21 the portion of the metropolitan statistical area located in
22 that State.

23 SEC. 210 The President's formal budget request for
24 fiscal year 2012, as well as the Department of Housing
25 and Urban Development's congressional budget justifica-

1 tions to be submitted to the Committees on Appropriations
2 of the House of Representatives and the Senate, shall use
3 the identical account and sub-account structure provided
4 under this Act.

5 SEC. 211. A public housing agency or such other enti-
6 ty that administers Federal housing assistance for the
7 Housing Authority of the county of Los Angeles, Cali-
8 fornia, the States of Alaska, Iowa, and Mississippi shall
9 not be required to include a resident of public housing or
10 a recipient of assistance provided under section 8 of the
11 United States Housing Act of 1937 on the board of direc-
12 tors or a similar governing board of such agency or entity
13 as required under section (2)(b) of such Act. Each public
14 housing agency or other entity that administers Federal
15 housing assistance under section 8 for the Housing Au-
16 thority of the county of Los Angeles, California and the
17 States of Alaska, Iowa and Mississippi that chooses not
18 to include a resident of public housing or a recipient of
19 section 8 assistance on the board of directors or a similar
20 governing board shall establish an advisory board of not
21 less than six residents of public housing or recipients of
22 section 8 assistance to provide advice and comment to the
23 public housing agency or other administering entity on
24 issues related to public housing and section 8. Such advi-
25 sory board shall meet not less than quarterly.

1 SEC. 212. (a) Notwithstanding any other provision
2 of law, subject to the conditions listed in subsection (b),
3 for fiscal years 2011 and 2012, the Secretary of Housing
4 and Urban Development may authorize the transfer of
5 some or all project-based assistance, debt and statutorily
6 required low-income and very low-income use restrictions,
7 associated with one or more multifamily housing project
8 to another multifamily housing project or projects.

9 (b) PHASED TRANSFERS.—Transfers of project-
10 based assistance under this section may be done in phases
11 to accommodate the financing and other requirements re-
12 lated to rehabilitating or constructing the project or
13 projects to which the assistance is transferred to ensure
14 that such project or projects meet the standards under
15 section c.

16 (c) The transfer authorized in subsection (a) is sub-
17 ject to the following conditions:

18 (1) Number and bedroom size of units—

19 (A) For occupied units in the transferring
20 project: the number of low-income and very low-
21 income units and the configuration (i.e. bed-
22 room size) provided by the transferring project
23 shall be no less than when transferred to the re-
24 ceiving project or projects and the net dollar
25 amount of Federal assistance provided by the

1 transferring project shall remain the same in
2 the receiving project or projects.

3 (B) For unoccupied units in the transfer-
4 ring project: the Secretary may authorize a re-
5 duction in the number of dwelling units in the
6 receiving project or projects to allow for a re-
7 configuration of bedroom sizes to meet current
8 market demands, as determined by the Sec-
9 retary and provided there is no increase in the
10 project-based section 8 budget authority.

11 (2) The transferring project shall, as deter-
12 mined by the Secretary, be either physically obsolete
13 or economically non-viable.

14 (3) The receiving project or projects shall meet
15 or exceed applicable physical standards established
16 by the Secretary.

17 (4) The owner or mortgagor of the transferring
18 project shall notify and consult with the tenants re-
19 siding in the transferring project and provide a cer-
20 tification of approval by all appropriate local govern-
21 mental officials.

22 (5) The tenants of the transferring project who
23 remain eligible for assistance to be provided by the
24 receiving project or projects shall not be required to
25 vacate their units in the transferring project or

1 projects until new units in the receiving project are
2 available for occupancy.

3 (6) The Secretary determines that this transfer
4 is in the best interest of the tenants.

5 (7) If either the transferring project or the re-
6 ceiving project or projects meets the condition speci-
7 fied in subsection (d)(2)(A), any lien on the receiv-
8 ing project resulting from additional financing ob-
9 tained by the owner shall be subordinate to any
10 FHA-insured mortgage lien transferred to, or placed
11 on, such project by the Secretary, except the Sec-
12 retary may waive this requirement upon determina-
13 tion that such a waiver is necessary to facilitate the
14 financing of acquisition, construction, and/or reha-
15 bilitation of the receiving project or projects.

16 (8) If the transferring project meets the re-
17 quirements of subsection (d)(2)(E), the owner or
18 mortgagor of the receiving project or projects shall
19 execute and record either a continuation of the exist-
20 ing use agreement or a new use agreement for the
21 project where, in either case, any use restrictions in
22 such agreement are of no lesser duration than the
23 existing use restrictions.

24 (d) For purposes of this section—

1 (1) the terms “low-income” and “very low-in-
2 come” shall have the meanings provided by the stat-
3 ute and/or regulations governing the program under
4 which the project is insured or assisted;

5 (2) the term “multifamily housing project”
6 means housing that meets one of the following con-
7 ditions—

8 (A) housing that is subject to a mortgage
9 insured under the National Housing Act;

10 (B) housing that has project-based assist-
11 ance attached to the structure including
12 projects undergoing mark to market debt re-
13 structuring under the Multifamily Assisted
14 Housing Reform and Affordability Housing Act;

15 (C) housing that is assisted under section
16 202 of the Housing Act of 1959 as amended by
17 section 801 of the Cranston-Gonzales National
18 Affordable Housing Act;

19 (D) housing that is assisted under section
20 202 of the Housing Act of 1959, as such sec-
21 tion existed before the enactment of the Cran-
22 ston-Gonzales National Affordable Housing Act;

23 or

24 (E) housing or vacant land that is subject
25 to a use agreement;

1 (3) the term “project-based assistance”
2 means—

3 (A) assistance provided under section 8(b)
4 of the United States Housing Act of 1937;

5 (B) assistance for housing constructed or
6 substantially rehabilitated pursuant to assist-
7 ance provided under section 8(b)(2) of such Act
8 (as such section existed immediately before Oc-
9 tober 1, 1983);

10 (C) rent supplement payments under sec-
11 tion 101 of the Housing and Urban Develop-
12 ment Act of 1965;

13 (D) interest reduction payments under sec-
14 tion 236 and/or additional assistance payments
15 under section 236(f)(2) of the National Hous-
16 ing Act;

17 (E) assistance payments made under sec-
18 tion 202(c)(2) of the Housing Act of 1959; or

19 (F) assistance payments made under sec-
20 tion 811(d)(2) of the Housing Assistance Act of
21 1959;

22 (4) the term “receiving project or projects”
23 means the multifamily housing project or projects to
24 which some or all of the project-based assistance,

1 debt, and statutorily required use low-income and
2 very low-income restrictions are to be transferred;

3 (5) the term “transferring project” means the
4 multifamily housing project which is transferring
5 some or all of the project-based assistance, debt and
6 the statutorily required low-income and very low-in-
7 come use restrictions to the receiving project or
8 projects; and

9 (6) the term “Secretary” means the Secretary
10 of Housing and Urban Development.

11 SEC. 213. The funds made available for Native Alas-
12 kans under the heading “Native American Housing Block
13 Grants” in title III of this Act shall be allocated to the
14 same Native Alaskan housing block grant recipients that
15 received funds in fiscal year 2005.

16 SEC. 214. No funds provided under this title may be
17 used for an audit of the Government National Mortgage
18 Association that makes applicable requirements under the
19 Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

20 SEC. 215. (a) No assistance shall be provided under
21 section 8 of the United States Housing Act of 1937 (42
22 U.S.C. 1437f) to any individual who—

23 (1) is enrolled as a student at an institution of
24 higher education (as defined under section 102 of

1 the Higher Education Act of 1965 (20 U.S.C.
2 1002));

3 (2) is under 24 years of age;

4 (3) is not a veteran;

5 (4) is unmarried;

6 (5) does not have a dependent child;

7 (6) is not a person with disabilities, as such
8 term is defined in section 3(b)(3)(E) of the United
9 States Housing Act of 1937 (42 U.S.C.
10 1437a(b)(3)(E)) and was not receiving assistance
11 under such section 8 as of November 30, 2005; and

12 (7) is not otherwise individually eligible, or has
13 parents who, individually or jointly, are not eligible,
14 to receive assistance under section 8 of the United
15 States Housing Act of 1937 (42 U.S.C. 1437f).

16 (b) For purposes of determining the eligibility of a
17 person to receive assistance under section 8 of the United
18 States Housing Act of 1937 (42 U.S.C. 1437f), any finan-
19 cial assistance (in excess of amounts received for tuition)
20 that an individual receives under the Higher Education
21 Act of 1965 (20 U.S.C. 1001 et seq.), from private
22 sources, or an institution of higher education (as defined
23 under the Higher Education Act of 1965 (20 U.S.C.
24 1002)), shall be considered income to that individual, ex-

1 cept for a person over the age of 23 with dependent chil-
2 dren.

3 SEC. 216. Notwithstanding the limitation in the first
4 sentence of section 255(g) of the National Housing Act
5 (12 U.S.C. 1715z–g)), the Secretary of Housing and
6 Urban Development may, until September 30, 2011, in-
7 sure and enter into commitments to insure mortgages
8 under section 255(g) of the National Housing Act (12
9 U.S.C. 1715z–20).

10 SEC. 217. Notwithstanding any other provision of
11 law, in fiscal year 2011, in managing and disposing of any
12 multifamily property that is owned or has a mortgage held
13 by the Secretary of Housing and Urban Development, and
14 during the process of foreclosure on any property with a
15 contract for rental assistance payments under section 8
16 of the United States Housing Act of 1937 or other Fed-
17 eral programs, the Secretary shall maintain any rental as-
18 sistance payments under section 8 of the United States
19 Housing Act of 1937 and other programs that are at-
20 tached to any dwelling units in the property. To the extent
21 the Secretary determines, in consultation with the tenants
22 and the local government, that such a multifamily prop-
23 erty owned or held by the Secretary is not feasible for con-
24 tinued rental assistance payments under such section 8
25 or other programs, based on consideration of (1) the costs

1 of rehabilitating and operating the property and all avail-
2 able Federal, State, and local resources, including rent ad-
3 justments under section 524 of the Multifamily Assisted
4 Housing Reform and Affordability Act of 1997
5 (“MAHRAA”) and (2) environmental conditions that can-
6 not be remedied in a cost-effective fashion, the Secretary
7 may, in consultation with the tenants of that property,
8 contract for project-based rental assistance payments with
9 an owner or owners of other existing housing properties,
10 or provide other rental assistance. The Secretary shall also
11 take appropriate steps to ensure that project-based con-
12 tracts remain in effect prior to foreclosure, subject to the
13 exercise of contractual abatement remedies to assist relo-
14 cation of tenants for imminent major threats to health and
15 safety after written notice to and informed consent of the
16 affected tenants and use of other available remedies, such
17 as partial abatements or receivership. After disposition of
18 any multifamily property described under this section, the
19 contract and allowable rent levels on such properties shall
20 be subject to the requirements under section 524 of
21 MAHRAA.

22 SEC. 218. During fiscal year 2011, in the provision
23 of rental assistance under section 8(o) of the United
24 States Housing Act of 1937 (42 U.S.C. 1437f(o)) in con-
25 nection with a program to demonstrate the economy and

1 effectiveness of providing such assistance for use in as-
2 sisted living facilities that is carried out in the counties
3 of the State of Michigan notwithstanding paragraphs (3)
4 and (18)(B)(iii) of such section 8(o), a family residing in
5 an assisted living facility in any such county, on behalf
6 of which a public housing agency provides assistance pur-
7 suant to section 8(o)(18) of such Act, may be required,
8 at the time the family initially receives such assistance,
9 to pay rent in an amount exceeding 40 percent of the
10 monthly adjusted income of the family by such a percent-
11 age or amount as the Secretary of Housing and Urban
12 Development determines to be appropriate.

13 SEC. 219. The Secretary of Housing and Urban De-
14 velopment shall report quarterly to the House of Rep-
15 resentatives and Senate Committees on Appropriations on
16 HUD's use of all sole source contracts, including terms
17 of the contracts, cost, and a substantive rationale for
18 using a sole source contract.

19 SEC. 220. Notwithstanding any other provision of
20 law, the recipient of a grant under section 202b of the
21 Housing Act of 1959 (12 U.S.C. 1701q) after December
22 26, 2000, in accordance with the unnumbered paragraph
23 at the end of section 202(b) of such Act, may, at its op-
24 tion, establish a single-asset nonprofit entity to own the
25 project and may lend the grant funds to such entity, which

1 may be a private nonprofit organization described in sec-
2 tion 831 of the American Homeownership and Economic
3 Opportunity Act of 2000.

4 SEC. 221. (a) The amounts provided under the sub-
5 heading “Program Account” under the heading “Commu-
6 nity Development Loan Guarantees” may be used to guar-
7 antee, or make commitments to guarantee, notes, or other
8 obligations issued by any State on behalf of non-entitle-
9 ment communities in the State in accordance with the re-
10 quirements of section 108 of the Housing and Community
11 Development Act of 1974 in fiscal year 2011 and subse-
12 quent years: *Provided*, That, any State receiving such a
13 guarantee or commitment shall distribute all funds subject
14 to such guarantee to the units of general local government
15 in non-entitlement areas that received the commitment.

16 (b) Not later than 60 days after the date of enact-
17 ment of this Act, the Secretary of Housing and Urban
18 Development shall promulgate regulations governing the
19 administration of the funds described under subsection
20 (a).

21 SEC. 222. Section 24 of the United States Housing
22 Act of 1937 (42 U.S.C. 1437v) is amended—

23 (1) in subsection (m)(1), by striking “fiscal
24 year” and all that follows through the period at the
25 end and inserting “fiscal year 2011.”; and

1 (2) in subsection (o), by striking “September”
2 and all that follows through the period at the end
3 and inserting “September 30, 2011.”.

4 SEC. 223. Public housing agencies that own and oper-
5 ate 400 or fewer public housing units may elect to be ex-
6 empt from any asset management requirement imposed by
7 the Secretary of Housing and Urban Development in con-
8 nection with the operating fund rule: *Provided*, That an
9 agency seeking a discontinuance of a reduction of subsidy
10 under the operating fund formula shall not be exempt
11 from asset management requirements.

12 SEC. 224. With respect to the use of amounts pro-
13 vided in this Act and in future Acts for the operation, cap-
14 ital improvement and management of public housing as
15 authorized by sections 9(d) and 9(e) of the United States
16 Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the
17 Secretary shall not impose any requirement or guideline
18 relating to asset management that restricts or limits in
19 any way the use of capital funds for central office costs
20 pursuant to section 9(g)(1) or 9(g)(2) of the United States
21 Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Pro-*
22 *vided*, That a public housing agency may not use capital
23 funds authorized under section 9(d) for activities that are
24 eligible under section 9(e) for assistance with amounts

1 from the operating fund in excess of the amounts per-
2 mitted under section 9(g)(1) or 9(g)(2).

3 SEC. 225. No official or employee of the Department
4 of Housing and Urban Development shall be designated
5 as an allotment holder unless the Office of the Chief Fi-
6 nancial Officer has determined that such allotment holder
7 has implemented an adequate system of funds control and
8 has received training in funds control procedures and di-
9 rectives. The Chief Financial Officer shall ensure that, not
10 later than 90 days after the date of enactment of this Act,
11 a trained allotment holder shall be designated for each
12 HUD subaccount under the headings “Executive Direc-
13 tion” and heading “Administration, Operations, and Man-
14 agement” as well as each account receiving appropriations
15 for “personnel compensation and benefits” within the De-
16 partment of Housing and Urban Development.

17 SEC. 226. The Secretary of Housing and Urban De-
18 velopment shall report quarterly to the House of Rep-
19 resentatives and Senate Committees on Appropriations on
20 the status of all section 8 project-based housing, including
21 the number of all project-based units by region as well
22 as an analysis of all federally subsidized housing being re-
23 financed under the Mark-to-Market program. The Sec-
24 retary shall in the report identify all existing units main-
25 tained by region as section 8 project-based units and all

1 project-based units that have opted out of section 8 or
2 have otherwise been eliminated as section 8 project-based
3 units. The Secretary shall identify in detail and by project
4 all the efforts made by the Department to preserve all sec-
5 tion 8 project-based housing units and all the reasons for
6 any units which opted out or otherwise were lost as section
7 8 project-based units. Such analysis shall include a review
8 of the impact of the loss of any subsidized units in that
9 housing marketplace, such as the impact of cost and the
10 loss of available subsidized, low-income housing in areas
11 with scarce housing resources for low-income families.

12 SEC. 227. Payment of attorney fees in program-re-
13 lated litigation must be paid from individual program of-
14 fice personnel benefits and compensation funding. The an-
15 nual budget submission for program office personnel ben-
16 efit and compensation funding must include program-re-
17 lated litigation costs for attorney fees as a separate line
18 item request.

19 SEC. 228. The Secretary of the Department of Hous-
20 ing and Urban Development shall for fiscal year 2011 and
21 subsequent fiscal years, notify the public through the Fed-
22 eral Register and other means, as determined appropriate,
23 of the issuance of a notice of the availability of assistance
24 or notice of funding availability (NOFA) for any program
25 or discretionary fund administered by the Secretary that

1 is to be competitively awarded. Notwithstanding any other
2 provision of law, for fiscal year 2011 and subsequent fiscal
3 years, the Secretary may make the NOFA available only
4 on the Internet at the appropriate Government Web site
5 or Web site or through other electronic media, as deter-
6 mined by the Secretary.

7 SEC. 229. Upon request of the project sponsor of a
8 project assisted with a loan under section 202 of the
9 Housing Act of 1959 (as in effect before the enactment
10 of the Cranston-Gonzalez National Affordable Housing
11 Act), for which the Secretary's consent to prepayment is
12 required, the Secretary may approve the prepayment of
13 any indebtedness to the Secretary relating to any remain-
14 ing principal and interest under the loan as part of a pre-
15 payment plan under which—

16 (1) the project sponsor agrees to operate the
17 project until the maturity date of the original loan
18 under terms at least as advantageous to existing and
19 future tenants as the terms required by the original
20 loan agreement or any project-based rental assist-
21 ance payments contract under section 8 of the
22 United States Housing Act of 1937 (or any other
23 project-based rental housing assistance programs of
24 the Department of Housing and Urban Develop-
25 ment, including the rent supplement program under

1 section 101 of the Housing and Urban Development
2 Act of 1965 (12 U.S.C. 1701s)) or any successor
3 project-based rental assistance program, except as
4 provided by subsection (a)(2)(B); and

5 (2) the prepayment may involve refinancing of
6 the loan if such refinancing results—

7 (A) in a lower interest rate on the prin-
8 cipal of the loan for the project and in reduc-
9 tions in debt service related to such loan; or

10 (B) in the case of a project that is assisted
11 with a loan under such section 202 carrying an
12 interest rate of 6 percent or lower, a trans-
13 action under which—

14 (i) the project owner shall address the
15 physical needs of the project;

16 (ii) the prepayment plan for the trans-
17 action, including the refinancing, shall
18 meet a cost benefit analysis, as established
19 by the Secretary, that the benefit of the
20 transaction outweighs the cost of the
21 transaction including any increases in rent
22 charged to unassisted tenants;

23 (iii) the overall cost for providing
24 rental assistance under section 8 for the

1 project (if any) is not increased, except,
2 upon approval by the Secretary to—

3 (I) mark-up-to-market contracts
4 pursuant to section 524(a)(3) of the
5 Multifamily Assisted Housing Reform
6 and Affordability Act (42 U.S.C.
7 1437f note), as such section is carried
8 out by the Secretary for properties
9 owned by nonprofit organizations; or

10 (II) mark-up-to-budget contracts
11 pursuant to section 524(a)(4) of the
12 Multifamily Assisted Housing Reform
13 and Affordability Act (42 U.S.C.
14 1437f note), as such section is carried
15 out by the Secretary for properties
16 owned by eligible owners (as such
17 term is defined in section 202(k) of
18 the Housing Act of 1959 (12 U.S.C.
19 1701q(k));

20 (iv) the project owner may charge ten-
21 ants rent sufficient to meet debt service
22 payments and operating cost requirements,
23 as approved by the Secretary, if project-
24 based rental assistance is not available or
25 is insufficient for the debt service and op-

1 erating cost of the project after refi-
2 nancing. Such approval by the Secretary—

3 (I) shall be the basis for the
4 owner to agree to terminate the
5 project-based rental assistance con-
6 tract that is insufficient for the debt
7 service and operating cost of the
8 project after refinancing; and

9 (II) shall be an eligibility event
10 for the project for purposes of section
11 8(t) of the United States Housing Act
12 of 1937 (42 U.S.C. 1437f(t));

13 (v) units to be occupied by tenants as-
14 sisted under section 8(t) of the United
15 States Housing Act of 1937 (42 U.S.C.
16 1437f(t)) shall, upon termination of the oc-
17 cupancy of such tenants, become eligible
18 for project-based assistance under section
19 8(o)(13) of the United States Housing Act
20 of 1937 (42 U.S.C. 1437f(o)(13)) without
21 regard to the percentage limitations pro-
22 vided in such section; and

23 (vi) there shall be a use agreement of
24 20 years from the date of the maturity
25 date of the original 202 loan for all units,

1 including units to be occupied by tenants
2 assisted under section 8(t) of the United
3 States Housing Act of 1937 (42 U.S.C.
4 1437f(t)).

5 SEC. 230. No property identified by the Secretary of
6 Housing and Urban Development as surplus Federal prop-
7 erty for use to assist the homeless shall be made available
8 to any homeless group unless the group is a member in
9 good standing under any of HUD's homeless assistance
10 programs or is in good standing with any other program
11 which receives funds from any other Federal or State
12 agency or entity: *Provided*, That an exception may be
13 made for an entity not involved with Federal homeless pro-
14 grams to use surplus Federal property for the homeless
15 only after the Secretary or another responsible Federal
16 agency has fully and comprehensively reviewed all relevant
17 finances of the entity, the track record of the entity in
18 assisting the homeless, the ability of the entity to manage
19 the property, including all costs, the ability of the entity
20 to administer homeless programs in a manner that is ef-
21 fective to meet the needs of the homeless population that
22 is expected to use the property and any other related
23 issues that demonstrate a commitment to assist the home-
24 less: *Provided further*, That the Secretary shall not require
25 the entity to have cash in hand in order to demonstrate

1 financial ability but may rely on the entity's prior dem-
2 onstrated fundraising ability or commitments for in-kind
3 donations of goods and services: *Provided further*, That
4 the Secretary shall make all such information and its deci-
5 sion regarding the award of the surplus property available
6 to the committees of jurisdiction, including a full justifica-
7 tion of the appropriateness of the use of the property to
8 assist the homeless as well as the appropriateness of the
9 group seeking to obtain the property to use such property
10 to assist the homeless: *Provided further*, That, this section
11 shall apply to properties in fiscal years 2010 and 2011
12 made available as surplus Federal property for use to as-
13 sist the homeless.

14 SEC. 231. The Secretary of the Department of Hous-
15 ing and Urban Development is authorized to transfer up
16 to 5 percent or \$5,000,000, whichever is less, of the funds
17 made available for personnel or nonpersonnel expenses
18 under any account under this title under the general head-
19 ing "Personnel Compensation and Benefits", or under any
20 set-aside within the accounts under the headings "Execu-
21 tive Direction" and "Administration, Operations and
22 Management", to any other such account or any other
23 such set-aside within such accounts: *Provided*, That any
24 transfer over 5 percent or \$5,000,000, whichever is less,
25 must be submitted to and receive the prior written ap-

1 proval of the House and Senate Committees on Appropria-
2 tions.

3 SEC. 232. The Disaster Housing Assistance Pro-
4 grams, administered by the Department of Housing and
5 Urban Development, shall be considered a “program of
6 the Department of Housing and Urban Development”
7 under section 904 of the McKinney Act for the purpose
8 of income verifications and matching.

9 SEC. 233. Of the amounts made available for salaries
10 and expenses under all accounts under this title (except
11 for the Office of Inspector General account), a total of
12 up to \$15,000,000 may be transferred to and merged with
13 amounts made available in the “Working Capital Fund”
14 account or the “Transformation Initiative” account under
15 this title. Any amounts transferred to the “Trans-
16 formation Initiative” account shall only be available for
17 information technology requirements and shall remain
18 available until September 30, 2013.

19 SEC. 234. The transfer requirement established
20 under the heading “Flexible Subsidy Fund” in Public Law
21 108–447 and in Public Law 109–115 shall not apply in
22 fiscal year 2011 and all subsequent fiscal years.

23 This title may be cited as the “Department of Hous-
24 ing and Urban Development Appropriations Act, 2011”.

1 TITLE III
2 RELATED AGENCIES
3 ACCESS BOARD
4 SALARIES AND EXPENSES

5 For expenses necessary for the Access Board, as au-
6 thorized by section 502 of the Rehabilitation Act of 1973,
7 as amended, \$7,367,000: *Provided*, That, notwithstanding
8 any other provision of law, there may be credited to this
9 appropriation funds received for publications and training
10 expenses.

11 FEDERAL MARITIME COMMISSION
12 SALARIES AND EXPENSES

13 For necessary expenses of the Federal Maritime
14 Commission as authorized by section 201(d) of the Mer-
15 chant Marine Act, 1936, as amended (46 U.S.C. App.
16 1111), including services as authorized by 5 U.S.C. 3109;
17 hire of passenger motor vehicles as authorized by 31
18 U.S.C. 1343(b); and uniforms or allowances therefore, as
19 authorized by 5 U.S.C. 5901–5902, \$25,300,000: *Pro-*
20 *vided*, That not to exceed \$2,000 shall be available for offi-
21 cial reception and representation expenses.

1 NATIONAL RAILROAD PASSENGER CORPORATION
2 OFFICE OF INSPECTOR GENERAL
3 SALARIES AND EXPENSES

4 For necessary expenses of the Office of Inspector
5 General for the National Railroad Passenger Corporation
6 to carry out the provisions of the Inspector General Act
7 of 1978, as amended, \$20,000,000: *Provided*, That the In-
8 spector General shall have all necessary authority, in car-
9 rying out the duties specified in the Inspector General Act,
10 as amended (5 U.S.C. App. 3), to investigate allegations
11 of fraud, including false statements to the government (18
12 U.S.C. 1001), by any person or entity that is subject to
13 regulation by the National Railroad Passenger Corpora-
14 tion: *Provided further*, That the Inspector General may
15 enter into contracts and other arrangements for audits,
16 studies, analyses, and other services with public agencies
17 and with private persons, subject to the applicable laws
18 and regulations that govern the obtaining of such services
19 within the National Railroad Passenger Corporation: *Pro-*
20 *vided further*, That the Inspector General may select, ap-
21 point, and employ such officers and employees as may be
22 necessary for carrying out the functions, powers, and du-
23 ties of the Office of Inspector General, subject to the appli-
24 cable laws and regulations that govern such selections, ap-
25 pointments, and employment within Amtrak: *Provided fur-*

1 *ther*, That concurrent with the President's budget request
2 for fiscal year 2012, the Inspector General shall submit
3 to the House and Senate Committees on Appropriations
4 a budget request for fiscal year 2012 in similar format
5 and substance to those submitted by executive agencies
6 of the Federal Government.

7 NATIONAL TRANSPORTATION SAFETY BOARD

8 SALARIES AND EXPENSES

9 For necessary expenses of the National Transpor-
10 tation Safety Board, including hire of passenger motor ve-
11 hicles and aircraft; services as authorized by 5 U.S.C.
12 3109, but at rates for individuals not to exceed the per
13 diem rate equivalent to the rate for a GS-15; uniforms,
14 or allowances therefor, as authorized by law (5 U.S.C.
15 5901-5902) \$104,300,000, of which not to exceed \$2,000
16 may be used for official reception and representation ex-
17 penses: *Provided*, That the amounts made available to the
18 National Transportation Safety Board in this Act include
19 amounts necessary to make lease payments on an obliga-
20 tion incurred in fiscal year 2001 for a capital lease.

21 NEIGHBORHOOD REINVESTMENT CORPORATION

22 PAYMENT TO THE NEIGHBORHOOD REINVESTMENT
23 CORPORATION

24 For payment to the Neighborhood Reinvestment Cor-
25 poration for use in neighborhood reinvestment activities,

1 as authorized by the Neighborhood Reinvestment Corpora-
2 tion Act (42 U.S.C. 8101–8107), \$140,000,000, of which
3 \$5,000,000 shall be for a multi-family rental housing pro-
4 gram: *Provided*, That in addition, \$35,000,000 shall be
5 made available until expended for capital grants to reha-
6 bilitate or finance the rehabilitation of affordable housing
7 units, including necessary administrative expenses: *Pro-*
8 *vided further*, That in addition, \$125,000,000 shall be
9 made available until expended to the Neighborhood Rein-
10 vestment Corporation for mortgage foreclosure mitigation
11 activities, under the following terms and conditions:

12 (1) The Neighborhood Reinvestment Corpora-
13 tion (“NRC”), shall make grants to counseling inter-
14 mediaries approved by the Department of Housing
15 and Urban Development (HUD) (with match to be
16 determined by the NRC based on affordability and
17 the economic conditions of an area; a match also
18 may be waived by the NRC based on the aforemen-
19 tioned conditions) to provide mortgage foreclosure
20 mitigation assistance primarily to States and areas
21 with high rates of defaults and foreclosures to help
22 eliminate the default and foreclosure of mortgages of
23 owner-occupied single-family homes that are at risk
24 of such foreclosure. Other than areas with high rates
25 of defaults and foreclosures, grants may also be pro-

1 vided to approved counseling intermediaries based on
2 a geographic analysis of the Nation by the NRC
3 which determines where there is a prevalence of
4 mortgages that are risky and likely to fail, including
5 any trends for mortgages that are likely to default
6 and face foreclosure. A State Housing Finance
7 Agency may also be eligible where the State Housing
8 Finance Agency meets all the requirements under
9 this paragraph. A HUD-approved counseling inter-
10 mediary shall meet certain mortgage foreclosure
11 mitigation assistance counseling requirements, as de-
12 termined by the NRC, and shall be approved by
13 HUD or the NRC as meeting these requirements.

14 (2) Mortgage foreclosure mitigation assistance
15 shall only be made available to homeowners of
16 owner-occupied homes with mortgages in default or
17 in danger of default. These mortgages shall likely be
18 subject to a foreclosure action and homeowners will
19 be provided such assistance that shall consist of ac-
20 tivities that are likely to prevent foreclosures and re-
21 sult in the long-term affordability of the mortgage
22 retained pursuant to such activity or another posi-
23 tive outcome for the homeowner. No funds made
24 available under this paragraph may be provided di-
25 rectly to lenders or homeowners to discharge out-

1 standing mortgage balances or for any other direct
2 debt reduction payments.

3 (3) The use of Mortgage Foreclosure Mitigation
4 Assistance by approved counseling intermediaries
5 and State Housing Finance Agencies shall involve a
6 reasonable analysis of the borrower's financial situa-
7 tion, an evaluation of the current value of the prop-
8 erty that is subject to the mortgage, counseling re-
9 garding the assumption of the mortgage by another
10 non-Federal party, counseling regarding the possible
11 purchase of the mortgage by a non-Federal third
12 party, counseling and advice of all likely restruc-
13 turing and refinancing strategies or the approval of
14 a work-out strategy by all interested parties.

15 (4) NRC may provide up to 15 percent of the
16 total funds under this paragraph to its own charter
17 members with expertise in foreclosure prevention
18 counseling, subject to a certification by the NRC
19 that the procedures for selection do not consist of
20 any procedures or activities that could be construed
21 as an unacceptable conflict of interest or have the
22 appearance of impropriety.

23 (5) HUD-approved counseling entities and
24 State Housing Finance Agencies receiving funds
25 under this paragraph shall have demonstrated expe-

1 rience in successfully working with financial institu-
2 tions as well as borrowers facing default, delin-
3 quency and foreclosure as well as documented coun-
4 seling capacity, outreach capacity, past successful
5 performance and positive outcomes with documented
6 counseling plans (including post mortgage fore-
7 closure mitigation counseling), loan workout agree-
8 ments and loan modification agreements. NRC may
9 use other criteria to demonstrate capacity in under-
10 served areas.

11 (6) Of the total amount made available under
12 this paragraph, up to \$3,000,000 may be made
13 available to build the mortgage foreclosure and de-
14 fault mitigation counseling capacity of counseling
15 intermediaries through NRC training courses with
16 HUD-approved counseling intermediaries and their
17 partners, except that private financial institutions
18 that participate in NRC training shall pay market
19 rates for such training.

20 (7) Of the total amount made available under
21 this paragraph, up to 5 percent may be used for as-
22 sociated administrative expenses for the NRC to
23 carry out activities provided under this section.

1 (8) Mortgage foreclosure mitigation assistance
 2 grants may include a budget for outreach and adver-
 3 tising, and training, as determined by the NRC.

4 (9) The NRC shall continue to report bi-annu-
 5 ally to the House and Senate Committees on Appro-
 6 priations as well as the Senate Banking Committee
 7 and House Financial Services Committee on its ef-
 8 forts to mitigate mortgage default.

9 UNITED STATES INTERAGENCY COUNCIL ON

10 HOMELESSNESS

11 OPERATING EXPENSES

12 For necessary expenses (including payment of sala-
 13 ries, authorized travel, hire of passenger motor vehicles,
 14 the rental of conference rooms, and the employment of ex-
 15 perts and consultants under section 3109 of title 5, United
 16 States Code) of the United States Interagency Council on
 17 Homelessness in carrying out the functions pursuant to
 18 title II of the McKinney-Vento Homeless Assistance Act,
 19 as amended, \$3,930,000.

20 Section 209 of the McKinney-Vento Homeless Assist-
 21 ance Act (42 U.S.C. 11319) is deleted.

22 TITLE IV

23 GENERAL PROVISIONS—THIS ACT

24 SEC. 401. Such sums as may be necessary for fiscal
 25 year 2010 pay raises for programs funded in this Act shall

1 be absorbed within the levels appropriated in this Act or
2 previous appropriations Acts.

3 SEC. 402. None of the funds in this Act shall be used
4 for the planning or execution of any program to pay the
5 expenses of, or otherwise compensate, non-Federal parties
6 intervening in regulatory or adjudicatory proceedings
7 funded in this Act.

8 SEC. 403. None of the funds appropriated in this Act
9 shall remain available for obligation beyond the current
10 fiscal year, nor may any be transferred to other appropria-
11 tions, unless expressly so provided herein.

12 SEC. 404. The expenditure of any appropriation
13 under this Act for any consulting service through procure-
14 ment contract pursuant to section 3109 of title 5, United
15 States Code, shall be limited to those contracts where such
16 expenditures are a matter of public record and available
17 for public inspection, except where otherwise provided
18 under existing law, or under existing Executive order
19 issued pursuant to existing law.

20 SEC. 405. Except as otherwise provided in this Act,
21 none of the funds provided in this Act, provided by pre-
22 vious appropriations Acts to the agencies or entities fund-
23 ed in this Act that remain available for obligation or ex-
24 penditure in fiscal year 2011, or provided from any ac-
25 counts in the Treasury derived by the collection of fees

1 and available to the agencies funded by this Act, shall be
2 available for obligation or expenditure through a re-
3 programming of funds that: (1) creates a new program;
4 (2) eliminates a program, project, or activity; (3) increases
5 funds or personnel for any program, project, or activity
6 for which funds have been denied or restricted by the Con-
7 gress; (4) proposes to use funds directed for a specific ac-
8 tivity by either the House or Senate Committees on Ap-
9 propriations for a different purpose; (5) augments existing
10 programs, projects, or activities in excess of \$5,000,000
11 or 10 percent, whichever is less; (6) reduces existing pro-
12 grams, projects, or activities by \$5,000,000 or 10 percent,
13 whichever is less; or (7) creates, reorganizes, or restruc-
14 tures a branch, division, office, bureau, board, commis-
15 sion, agency, administration, or department different from
16 the budget justifications submitted to the Committees on
17 Appropriations or the table accompanying the explanatory
18 statement accompanying this Act, whichever is more de-
19 tailed, unless prior approval is received from the House
20 and Senate Committees on Appropriations: *Provided*, That
21 not later than 60 days after the date of enactment of this
22 Act, each agency funded by this Act shall submit a report
23 to the Committees on Appropriations of the Senate and
24 of the House of Representatives to establish the baseline
25 for application of reprogramming and transfer authorities

1 for the current fiscal year: *Provided further*, That the re-
2 port shall include: (1) a table for each appropriation with
3 a separate column to display the President's budget re-
4 quest, adjustments made by Congress, adjustments due to
5 enacted rescissions, if appropriate, and the fiscal year en-
6 acted level; (2) a delineation in the table for each appro-
7 priation both by object class and program, project, and
8 activity as detailed in the budget appendix for the respec-
9 tive appropriation; and (3) an identification of items of
10 special congressional interest: *Provided further*, That the
11 amount appropriated or limited for salaries and expenses
12 for an agency shall be reduced by \$100,000 per day for
13 each day after the required date that the report has not
14 been submitted to the Congress.

15 SEC. 406. Except as otherwise specifically provided
16 by law, not to exceed 50 percent of unobligated balances
17 remaining available at the end of fiscal year 2011 from
18 appropriations made available for salaries and expenses
19 for fiscal year 2011 in this Act, shall remain available
20 through September 30, 2012, for each such account for
21 the purposes authorized: *Provided*, That a request shall
22 be submitted to the House and Senate Committees on Ap-
23 propriations for approval prior to the expenditure of such
24 funds: *Provided further*, That these requests shall be made

1 in compliance with reprogramming guidelines under sec-
2 tion 405 of this Act.

3 SEC. 407. All Federal agencies and departments that
4 are funded under this Act shall issue a report to the House
5 and Senate Committees on Appropriations on all sole-
6 source contracts by no later than July 30, 2011. Such re-
7 port shall include the contractor, the amount of the con-
8 tract and the rationale for using a sole-source contract.

9 SEC. 408. (a) None of the funds made available in
10 this Act may be obligated or expended for any employee
11 training that—

12 (1) does not meet identified needs for knowl-
13 edge, skills, and abilities bearing directly upon the
14 performance of official duties;

15 (2) contains elements likely to induce high lev-
16 els of emotional response or psychological stress in
17 some participants;

18 (3) does not require prior employee notification
19 of the content and methods to be used in the train-
20 ing and written end of course evaluation;

21 (4) contains any methods or content associated
22 with religious or quasi-religious belief systems or
23 “new age” belief systems as defined in Equal Em-
24 ployment Opportunity Commission Notice N-
25 915.022, dated September 2, 1988; or

1 (5) is offensive to, or designed to change, par-
2 ticipants' personal values or lifestyle outside the
3 workplace.

4 (b) Nothing in this section shall prohibit, restrict, or
5 otherwise preclude an agency from conducting training
6 bearing directly upon the performance of official duties.

7 SEC. 409. No funds in this Act may be used to sup-
8 port any Federal, State, or local projects that seek to use
9 the power of eminent domain, unless eminent domain is
10 employed only for a public use: *Provided*, That for pur-
11 poses of this section, public use shall not be construed to
12 include economic development that primarily benefits pri-
13 vate entities: *Provided further*, That any use of funds for
14 mass transit, railroad, airport, seaport or highway projects
15 as well as utility projects which benefit or serve the gen-
16 eral public (including energy-related, communication-re-
17 lated, water-related and wastewater-related infrastruc-
18 ture), other structures designated for use by the general
19 public or which have other common-carrier or public-util-
20 ity functions that serve the general public and are subject
21 to regulation and oversight by the government, and
22 projects for the removal of an immediate threat to public
23 health and safety or brownsfield as defined in the Small
24 Business Liability Relief and Brownsfield Revitalization

1 Act (Public Law 107–118) shall be considered a public
2 use for purposes of eminent domain.

3 SEC. 410. None of the funds made available in this
4 Act may be transferred to any department, agency, or in-
5 strumentality of the United States Government, except
6 pursuant to a transfer made by, or transfer authority pro-
7 vided in, this Act or any other appropriations Act.

8 SEC. 411. No part of any appropriation contained in
9 this Act shall be available to pay the salary for any person
10 filling a position, other than a temporary position, for-
11 merly held by an employee who has left to enter the Armed
12 Forces of the United States and has satisfactorily com-
13 pleted his period of active military or naval service, and
14 has within 90 days after his release from such service or
15 from hospitalization continuing after discharge for a pe-
16 riod of not more than 1 year, made application for restora-
17 tion to his former position and has been certified by the
18 Office of Personnel Management as still qualified to per-
19 form the duties of his former position and has not been
20 restored thereto.

21 SEC. 412. No funds appropriated pursuant to this
22 Act may be expended in contravention of sections 2
23 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–
24 10c, popularly known as the “Buy American Act”).

1 SEC. 413. No funds appropriated or otherwise made
2 available under this Act shall be made available to any
3 person or entity that has been convicted of violating the
4 Buy American Act (41 U.S.C. 10a–10e).

5 SEC. 414. None of the funds made available in this
6 Act may be used for first-class airline accommodations in
7 contravention of sections 301–10.122 and 301–10.123 of
8 title 41, Code of Federal Regulations.

9 SEC. 415. None of the funds made available in this
10 Act may be used to purchase a light bulb for an office
11 building unless the light bulb has, to the extent prac-
12 ticable, an Energy Star or Federal Energy Management
13 Program designation.

14 SEC. 416. After any notice of funding availability or
15 any other notice designed to solicit applications for fund-
16 ing issued by either of the following departments for a
17 competitive grant program with an annual budget, includ-
18 ing grants, equal to or exceeding \$100,000,000, or for the
19 Department of Transportation’s Grants for Energy Effi-
20 ciency and Greenhouse Gas Reductions program, the Sec-
21 retary of the Department of Transportation and the Sec-
22 retary of Housing and Urban Development shall post on
23 their Web sites the following information regarding any
24 of the applicable programs including, but not limited to,
25 the primary purpose of the grant program, the criteria for

1 grant selection, and the process for the decisionmaking by
2 the Department: *Provided*, That once all valid applications
3 have been received by the Department for a program by
4 a date certain established by the Department, the Depart-
5 ment shall post on its Web site a summary of the primary
6 information in each grant application, including the appli-
7 cant's name, address, phone number, point of contact, and
8 the primary funding or other request of each grantee: *Pro-*
9 *vided further*, That a department shall post on its Web
10 site the name of all successful grantees, the grant award
11 amount, and the justification for the selection by the de-
12 partment as well as the methodology for the award selec-
13 tions, including how the selected awards are consistent
14 with program goals, and as soon as is available, a sum-
15 mary of all benchmarks and deadlines that are expected
16 to be met by a grantee.

17 SEC. 417. (a) None of the funds made available in
18 this Act may be used to establish, issue, implement, ad-
19 minister, or enforce any prohibition or restriction on the
20 establishment or effectiveness of any occupancy preference
21 for veterans in supportive housing for the elderly that: (1)
22 is provided assistance by the Department of Housing and
23 Urban Development; and (2)(A) is or would be located on
24 property of the Department of Veterans Affairs; or (B)

1 is subject to an enhanced use lease with the Department
2 of Veterans Affairs.

3 **TITLE V—EXTENSION OF CUR-**
4 **RENT SURFACE TRANSPOR-**
5 **TATION PROGRAMS**

6 **SEC. 501. SHORT TITLE; RECONCILIATION OF FUNDS.**

7 (a) **SHORT TITLE.**—This title may be cited as the
8 “Surface Transportation Extension Act of 2010, Part II”.

9 (b) **RECONCILIATION OF FUNDS.**—The Secretary of
10 Transportation shall reduce the amount apportioned or al-
11 located for a program, project, or activity under this title
12 in fiscal year 2011 by amounts apportioned or allocated
13 pursuant to the Surface Transportation Extension Act of
14 2010 for the period beginning on October 1, 2010, and
15 ending on December 31, 2010.

16 **Subtitle A—Federal-Aid Highways**

17 **SEC. 511. EXTENSION OF FEDERAL-AID HIGHWAY PRO-**
18 **GRAMS.**

19 (a) **IN GENERAL.**—Section 411 of the Surface Trans-
20 portation Extension Act of 2010 (Public Law 111–147;
21 124 Stat. 78) is amended—

22 (1) by striking “the period beginning on Octo-
23 ber 1, 2010, and ending on December 31, 2010”
24 each place it appears (except in subsection (c)(2))
25 and inserting “fiscal year 2011”;

1 (2) in subsection (a) by striking “December 31,
2 2010” and inserting “September 30, 2011”;

3 (3) in subsection (b)(2) by striking “ $\frac{1}{4}$ of”;

4 (4) in subsection (c)—

5 (A) in paragraph (2)—

6 (i) by striking “ $\frac{1}{4}$ of”; and

7 (ii) by striking “the period beginning
8 on October 1, 2010, and ending on Decem-
9 ber 31, 2010,” and inserting “fiscal year
10 2011”;

11 (B) in paragraph (4)—

12 (i) in subparagraph (A)(ii) by striking
13 “, except that during such period obliga-
14 tions subject to such limitation shall not
15 exceed $\frac{1}{4}$ of the limitation on obligations
16 included in an Act making appropriations
17 for fiscal year 2011”; and

18 (ii) in subparagraph (B)(ii)(II) by
19 striking “\$159,750,000” and inserting
20 “\$639,000,000”; and

21 (C) by striking paragraph (5);

22 (5) in subsection (d)—

23 (A) by striking “ $\frac{1}{4}$ of” each place it ap-
24 pears; and

25 (B) in paragraph (2)(A)—

1 (i) in the matter preceding clause (i)
2 by striking “apportioned under sections
3 104(b) and 144 of title 23, United States
4 Code,” and inserting “specified in section
5 105(a)(2) of title 23, United States Code
6 (except the high priority projects pro-
7 gram),”; and

8 (ii) in clause (ii) by striking “appor-
9 tioned under such sections of such Code”
10 and inserting “specified in such section
11 105(a)(2) (except the high priority projects
12 program)”; and

13 (6) in subsection (e)(1)(B) by striking “ $\frac{1}{4}$ ”.

14 (b) ADMINISTRATIVE EXPENSES.—Section 412(a)(2)
15 of the Surface Transportation Extension Act of 2010
16 (Public Law 111–147; 124 Stat. 83) is amended—

17 (1) by striking “\$105,606,250” and inserting
18 “\$422,425,000”; and

19 (2) by striking “the period beginning on Octo-
20 ber 1, 2010, and ending on December 31, 2010”
21 and inserting “fiscal year 2011”.

1 **Subtitle B—Extension of National**
2 **Highway Traffic Safety Admin-**
3 **istration, Federal Motor Carrier**
4 **Safety Administration, and Ad-**
5 **ditional Programs**

6 **SEC. 521. EXTENSION OF NATIONAL HIGHWAY TRAFFIC**
7 **SAFETY ADMINISTRATION HIGHWAY SAFETY**
8 **PROGRAMS.**

9 (a) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Sec-
10 tion 2001(a)(1) of SAFETEA–LU (119 Stat. 1519) is
11 amended by striking “and \$58,750,000 for the period be-
12 ginning on October 1, 2010, and ending on December 31,
13 2010.” and inserting “and \$235,000,000 for fiscal year
14 2011.”.

15 (b) HIGHWAY SAFETY RESEARCH AND DEVELOP-
16 MENT.—Section 2001(a)(2) of SAFETEA–LU (119 Stat.
17 1519) is amended by striking “and \$27,061,000 for the
18 period beginning on October 1, 2010, and ending on De-
19 cember 31, 2010.” and inserting “and \$108,244,000 for
20 fiscal year 2011.”.

21 (c) OCCUPANT PROTECTION INCENTIVE GRANTS.—
22 Section 2001(a)(3) of SAFETEA–LU (119 Stat. 1519)
23 is amended by striking “and \$6,250,000 for the period
24 beginning on October 1, 2010, and ending on December

1 31, 2010.” and inserting “and \$25,000,000 for fiscal year
2 2011.”.

3 (d) SAFETY BELT PERFORMANCE GRANTS.—Section
4 2001(a)(4) of SAFETEA–LU (119 Stat. 1519) is amend-
5 ed by striking “and \$31,125,000 for the period beginning
6 on October 1, 2010, and ending on December 31, 2010.”
7 and inserting “and \$124,500,000 for fiscal year 2011.”.

8 (e) STATE TRAFFIC SAFETY INFORMATION SYSTEM
9 IMPROVEMENTS.—Section 2001(a)(5) of SAFETEA–LU
10 (119 Stat. 1519) is amended by striking “and \$8,625,000
11 for the period beginning on October 1, 2010, and ending
12 on December 31, 2010.” and inserting “and \$34,500,000
13 for fiscal year 2011.”.

14 (f) ALCOHOL-IMPAIRED DRIVING COUNTER-
15 MEASURES INCENTIVE GRANT PROGRAM.—Section
16 2001(a)(6) of SAFETEA–LU (119 Stat. 1519) is amend-
17 ed by striking “and \$34,750,000 for the period beginning
18 on October 1, 2010, and ending on December 31, 2010.”
19 and inserting “and \$139,000,000 for fiscal year 2011.”.

20 (g) NATIONAL DRIVER REGISTER.—Section
21 2001(a)(7) of SAFETEA–LU (119 Stat. 1520) is amend-
22 ed by striking “and \$1,029,000 for the period beginning
23 on October 1, 2010, and ending on December 31, 2010.”
24 and inserting “and \$4,116,000 for fiscal year 2011.”.

1 (h) HIGH VISIBILITY ENFORCEMENT PROGRAM.—
2 Section 2001(a)(8) of SAFETEA-LU (119 Stat. 1520)
3 is amended by striking “and \$7,250,000 for the period
4 beginning on October 1, 2010, and ending on December
5 31, 2010.” and inserting “and \$29,000,000 for fiscal year
6 2011.”.

7 (i) MOTORCYCLIST SAFETY.—Section 2001(a)(9) of
8 SAFETEA-LU (119 Stat. 1520) is amended by striking
9 “and \$1,750,000 for the period beginning on October 1,
10 2010, and ending on December 31, 2010.” and inserting
11 “and \$7,000,000 for fiscal year 2011.”.

12 (j) CHILD SAFETY AND CHILD BOOSTER SEAT SAFE-
13 TY INCENTIVE GRANTS.—Section 2001(a)(10) of
14 SAFETEA-LU (119 Stat. 1520) is amended by striking
15 “and \$1,750,000 for the period beginning on October 1,
16 2010, and ending on December 31, 2010.” and inserting
17 “and \$7,000,000 for fiscal year 2011.”.

18 (k) ADMINISTRATIVE EXPENSES.—Section
19 2001(a)(11) of SAFETEA-LU (119 Stat. 1520) is
20 amended by striking “and \$6,332,000 for the period be-
21 ginning on October 1, 2010, and ending on December 31,
22 2010.” and inserting “and \$25,328,000 for fiscal year
23 2011.”.

1 **SEC. 522. EXTENSION OF FEDERAL MOTOR CARRIER SAFE-**
2 **TY ADMINISTRATION PROGRAMS.**

3 (a) MOTOR CARRIER SAFETY GRANTS.—Section
4 31104(a)(7) of title 49, United States Code, is amended
5 by striking “\$52,679,000 for the period beginning on Oc-
6 tober 1, 2010, and ending on December 31, 2010.” and
7 inserting “\$209,000,000 for fiscal year 2011.”.

8 (b) ADMINISTRATIVE EXPENSES.—Section
9 31104(i)(1)(G) of title 49, United States Code, is amend-
10 ed by striking “\$61,036,000 for the period beginning on
11 October 1, 2010, and ending on December 31, 2010.” and
12 inserting “\$244,144,000 for fiscal year 2011.”.

13 (c) GRANT PROGRAMS.—Section 4101(c) of
14 SAFETEA-LU (119 Stat. 1715) is amended—

15 (1) in paragraph (1)—

16 (A) by striking “and” after “2009,”; and

17 (B) by striking “and \$6,301,000 for the
18 period beginning on October 1, 2010, and end-
19 ing on December 31, 2010” and inserting “and
20 \$25,000,000 for fiscal year 2011”;

21 (2) in paragraph (2) by striking “and
22 \$8,066,000 for the period beginning on October 1,
23 2010, and ending on December 31, 2010” and in-
24 serting “and \$32,000,000 for fiscal year 2011”;

25 (3) in paragraph (3) by striking “and
26 \$1,260,000 for the period beginning on October 1,

1 2010, and ending on December 31, 2010” and in-
2 sserting “and \$5,000,000 for fiscal year 2011”;

3 (4) in paragraph (4) by striking “and
4 \$6,301,000 for the period beginning on October 1,
5 2010, and ending on December 31, 2010” and in-
6 sserting “and \$25,000,000 for fiscal year 2011”; and

7 (5) in paragraph (5) by striking “and \$756,000
8 for the period beginning on October 1, 2010, and
9 ending on December 31, 2010” and inserting “and
10 \$3,000,000 for fiscal year 2011”.

11 (d) HIGH-PRIORITY ACTIVITIES.—Section
12 31104(k)(2) of title 49, United States Code, is amended
13 by striking “and \$3,781,000 for the period beginning on
14 October 1, 2010, and ending on December 31, 2010” and
15 inserting “and \$15,000,000 for fiscal year 2011”.

16 (e) NEW ENTRANT AUDITS.—Section
17 31144(g)(5)(B) of title 49, United States Code, is amend-
18 ed by striking “(and up to \$7,310,000 for the period be-
19 ginning on October 1, 2010, and ending on December 31,
20 2010)”.

21 (f) COMMERCIAL DRIVER’S LICENSE INFORMATION
22 SYSTEM MODERNIZATION.—Section 4123(d)(6) of
23 SAFETEA-LU (119 Stat. 1736) is amended by striking
24 “\$2,016,000 for the period beginning on October 1, 2010,

1 and ending on December 31, 2010.” and inserting
2 “\$8,000,000 for fiscal year 2011.”.

3 (g) OUTREACH AND EDUCATION.—Section 4127(e)
4 of SAFETEA–LU (119 Stat. 1741) is amended by strik-
5 ing “and 2010” and all that follows before “to carry out”
6 and inserting “2010, and 2011”.

7 (h) GRANT PROGRAM FOR COMMERCIAL MOTOR VE-
8 HICLE OPERATORS.—Section 4134(c) of SAFETEA–LU
9 (119 Stat. 1744) is amended by striking “2009, 2010, and
10 \$252,000 for the period beginning on October 1, 2010,
11 and ending on December 31, 2010,” and inserting
12 “2011”.

13 (i) MOTOR CARRIER SAFETY ADVISORY COM-
14 MITTEE.—Section 4144(d) of SAFETEA–LU (119 Stat.
15 1748) is amended by striking “December 31, 2010” and
16 inserting “September 30, 2011”.

17 (j) WORKING GROUP FOR DEVELOPMENT OF PRAC-
18 TICES AND PROCEDURES TO ENHANCE FEDERAL-STATE
19 RELATIONS.—Section 4213(d) of SAFETEA–LU (49
20 U.S.C. 14710 note; 119 Stat. 1759) is amended by strik-
21 ing “December 31, 2010” and inserting “September 30,
22 2011”.

23 **SEC. 523. ADDITIONAL PROGRAMS.**

24 (a) HAZARDOUS MATERIALS RESEARCH
25 PROJECTS.—Section 7131(e) of SAFETEA–LU (119

1 Stat. 1910) is amended by striking “through 2010” and
2 all that follows before “shall be available” and inserting
3 “through 2011”.

4 (b) DINGELL-JOHNSON SPORT FISH RESTORATION
5 ACT.—Section 4 of the Dingell-Johnson Sport Fish Res-
6 toration Act (16 U.S.C. 777c) is amended—

7 (1) in subsection (a) by striking “For each of
8 fiscal years 2006” and all that follows before para-
9 graph (1) and inserting the following: “For each of
10 fiscal years 2006 through 2011, the balance of each
11 annual appropriation made in accordance with the
12 provisions of section 3 remaining after the distribu-
13 tions for administrative expenses and other purposes
14 under subsection (b) and for multistate conservation
15 grants under section 14 shall be distributed as fol-
16 lows:”; and

17 (2) in subsection (b)(1)(A) by striking the first
18 sentence and inserting the following: “From the an-
19 nual appropriation made in accordance with section
20 3, for each of fiscal years 2006 through 2011, the
21 Secretary of the Interior may use no more than the
22 amount specified in subparagraph (B) for the fiscal
23 year for expenses for administration incurred in the
24 implementation of this Act, in accordance with this
25 section and section 9.”.

1 (c) SURFACE TRANSPORTATION PROJECT DELIVERY
2 PILOT PROGRAM.—Section 327(i)(1) of title 23, United
3 States Code, is amended by striking “6 years after” and
4 inserting “7 years after”.

5 (d) IMPLEMENTATION OF FUTURE STRATEGIC HIGH-
6 WAY RESEARCH PROGRAM.—Section 510 of title 23,
7 United States Code, is amended by adding at the end the
8 following:

9 “(h) IMPLEMENTATION.—Notwithstanding any other
10 provision of this section, the Secretary may use funds
11 made available to carry out this section for implementa-
12 tion of research products related to the future strategic
13 highway research program, including development, dem-
14 onstration, evaluation, and technology transfer activi-
15 ties.”.

16 **Subtitle C—Public Transportation** 17 **Programs**

18 **SEC. 531. ALLOCATION OF FUNDS FOR PLANNING PRO-** 19 **GRAMS.**

20 Section 5305(g) of title 49, United States Code, is
21 amended by striking “2010, and for the period beginning
22 October 1, 2010, and ending December 31, 2010,” and
23 inserting “2011”.

1 **SEC. 532. SPECIAL RULE FOR URBANIZED AREA FORMULA**
2 **GRANTS.**

3 Section 5307(b)(2) of title 49, United States Code,
4 is amended—

5 (1) in the paragraph heading by striking “2010,
6 AND THE PERIOD BEGINNING OCTOBER 1, 2010, AND
7 ENDING DECEMBER 31, 2010” and inserting “2011”;

8 (2) in subparagraph (A) by striking “2010, and
9 the period beginning October 1, 2010, and ending
10 December 31, 2010,” and inserting “2011,”; and

11 (3) in subparagraph (E)—

12 (A) in the subparagraph heading by strik-
13 ing “2010 AND DURING THE PERIOD BEGINNING
14 OCTOBER 1, 2010, AND ENDING DECEMBER 31,
15 2010” and inserting “2011”; and

16 (B) in the matter preceding clause (i) by
17 striking “In fiscal years 2008 through 2010,
18 and during the period beginning October 1,
19 2010, and ending December 31, 2010,” and in-
20 serting “In each of fiscal years 2008 through
21 2011”.

22 **SEC. 533. ALLOCATING AMOUNTS FOR CAPITAL INVEST-**
23 **MENT GRANTS.**

24 Section 5309(m) of title 49, United States Code, is
25 amended—

26 (1) in paragraph (2)—

1 (A) in the paragraph heading by striking
2 “2010 AND OCTOBER 1, 2010, THROUGH DECEM-
3 BER 31, 2010” and inserting “2011”;

4 (B) in the matter preceding subparagraph
5 (A) by striking “2010, and during the period
6 beginning October 1, 2010, and ending Decem-
7 ber 31, 2010,” and inserting “2011”; and

8 (C) in subparagraph (A)(i) by striking
9 “2010, and \$50,000,000 for the period begin-
10 ning October 1, 2010, and ending December
11 31, 2010,” and inserting “2011”;

12 (2) in paragraph (6)—

13 (A) in subparagraph (B) by striking
14 “2010, and \$3,750,000 shall be available for
15 the period beginning October 1, 2010, and end-
16 ing December 31, 2010,” and inserting “2011”;
17 and

18 (B) in subparagraph (C) by striking
19 “2010, and \$1,250,000 shall be available for
20 the period beginning October 1, 2010 and end-
21 ing December 31, 2010,” and inserting “2011”;

22 and

23 (3) in paragraph (7)—

24 (A) in subparagraph (A)—

1 (i) by striking “(A) FERRY BOAT SYS-
2 TEMS.—” and all that follows through “(i)
3 FISCAL YEAR 2006 THROUGH 2010.—
4 \$10,000,000 shall be available in each of
5 fiscal years 2006 through 2010” and in-
6 serting the following:

7 “(A) FERRY BOAT SYSTEMS.—
8 \$10,000,000 shall be available in each of fiscal
9 years 2006 through 2011”;

10 (ii) by striking clause (ii);

11 (iii) by redesignating subclauses (I)
12 through (VIII) as clauses (i) through (viii),
13 respectively, and moving the text of such
14 clauses 2 ems to the left; and

15 (iv) by inserting a period at the end
16 of clause (iv) (as so redesignated);

17 (B) by striking subparagraph (B)(vi) and
18 inserting the following:

19 “(vi) \$13,500,000 for fiscal year
20 2011.”;

21 (C) in subparagraph (C) by striking “, and
22 during the period beginning October 1, 2010,
23 and ending December 31, 2010,”;

24 (D) in subparagraph (D) by striking “,
25 and not less than \$8,750,000 shall be available

1 for the period beginning October 1, 2010, and
2 ending December 31, 2010,”; and

3 (E) in subparagraph (E) by striking “, and
4 \$750,000 shall be available for the period be-
5 ginning October 1, 2010, and ending December
6 31, 2010,”.

7 **SEC. 534. APPORTIONMENT OF FORMULA GRANTS FOR**
8 **OTHER THAN URBANIZED AREAS.**

9 Section 5311(c)(1)(F) of title 49, United States
10 Code, is amended to read as follows:

11 “(F) \$15,000,000 for fiscal year 2011.”.

12 **SEC. 535. APPORTIONMENT BASED ON FIXED GUIDEWAY**
13 **FACTORS.**

14 Section 5337 of title 49, United States Code, is
15 amended—

16 (1) in subsection (a), in the matter preceding
17 paragraph (1), by striking “2010” and inserting
18 “2011”; and

19 (2) by striking subsection (g).

20 **SEC. 536. AUTHORIZATIONS FOR PUBLIC TRANSPOR-**
21 **TATION.**

22 (a) **FORMULA AND BUS GRANTS.**—Section 5338(b)
23 of title 49, United States Code, is amended—

24 (1) by striking paragraph (1)(F) and inserting
25 the following:

1 “(F) \$8,360,565,000 for fiscal year
2 2011.”; and

3 (2) in paragraph (2)—

4 (A) in subparagraph (A) by striking
5 “\$28,375,000 for the period beginning October
6 1, 2010, and ending December 31, 2010,” and
7 inserting “\$113,500,000 for fiscal year 2011”;

8 (B) in subparagraph (B) by striking
9 “\$1,040,091,250 for the period beginning Octo-
10 ber 1, 2010, and ending December 31, 2010,”
11 and inserting “\$4,160,365,000 for fiscal year
12 2011”;

13 (C) in subparagraph (C) by striking
14 “\$12,875,000 for the period beginning October
15 1, 2010, and ending December 31, 2010,” and
16 inserting “\$51,500,000 for fiscal year 2011”;

17 (D) in subparagraph (D) by striking
18 “\$416,625,000 for the period beginning Octo-
19 ber 1, 2010 and ending December 31, 2010,”
20 and inserting “\$1,666,500,000 for fiscal year
21 2011”;

22 (E) in subparagraph (E) by striking
23 “\$246,000,000 for the period beginning Octo-
24 ber 1, 2010 and ending December 31, 2010,”

1 and inserting “\$984,000,000 for fiscal year
2 2011”;

3 (F) in subparagraph (F) by striking
4 “\$33,375,000 for the period beginning October
5 1, 2010 and ending December 31, 2010,” and
6 inserting “\$133,500,000 for fiscal year 2011”;

7 (G) in subparagraph (G) by striking
8 “\$116,250,000 for the period beginning Octo-
9 ber 1, 2010 and ending December 31, 2010,”
10 and inserting “\$465,000,000 for fiscal year
11 2011”;

12 (H) in subparagraph (H) by striking
13 “\$41,125,000 for the period beginning October
14 1, 2010 and ending December 31, 2010,” and
15 inserting “\$164,500,000 for fiscal year 2011”;

16 (I) in subparagraph (I) by striking
17 “\$23,125,000 for the period beginning October
18 1, 2010 and ending December 31, 2010,” and
19 inserting “\$92,500,000 for fiscal year 2011”;

20 (J) in subparagraph (J) by striking
21 “\$6,725,000 for the period beginning October
22 1, 2010 and ending December 31, 2010,” and
23 inserting “\$26,900,000 for fiscal year 2011”;

24 (K) in subparagraph (K) by striking
25 “\$875,000 for the period beginning October 1,

1 2010 and ending December 31, 2010,” and in-
2 serting “\$3,500,000 for fiscal year 2011”;

3 (L) in subparagraph (L) by striking
4 “\$6,250,000 for the period beginning October
5 1, 2010 and ending December 31, 2010,” and
6 inserting “\$25,000,000 for fiscal year 2011”;

7 (M) in subparagraph (M) by striking
8 “\$116,250,000 for the period beginning Octo-
9 ber 1, 2010 and ending December 31, 2010,”
10 and inserting “\$465,000,000 for fiscal year
11 2011”; and

12 (N) in subparagraph (N) by striking
13 “\$2,200,000 for the period beginning October
14 1, 2010 and ending December 31, 2010,” and
15 inserting “\$8,800,000 for fiscal year 2011”.

16 (b) CAPITAL INVESTMENT GRANTS.—Section
17 5338(c)(6) of title 49, United States Code, is amended
18 to read as follows:

19 “(6) \$2,000,000,000 for fiscal year 2011.”.

20 (c) RESEARCH AND UNIVERSITY RESEARCH CEN-
21 TERS.—Section 5338(d) of title 49, United States Code,
22 is amended—

23 (1) in paragraph (1)—

24 (A) in the matter preceding subparagraph

25 (A) by striking “\$17,437,500 for the period be-

1 ginning October 1, 2010, and ending December
2 31, 2010” and inserting “\$69,750,000 for fiscal
3 year 2011”; and

4 (B) in subparagraph (A) by striking “fiscal
5 year 2009” and inserting “each of fiscal years
6 2009, 2010, and 2011”;

7 (2) in paragraph (2)(A)—

8 (A) in clauses (i), (ii), and (iii) by striking
9 “2009” and inserting “2011”; and

10 (B) in clauses (v), (vi), (vii), and (viii) by
11 striking “and 2009” and inserting “through
12 2011”; and

13 (3) by striking paragraph (3) and inserting the
14 following:

15 “(3) FUNDING.—If the Secretary determines
16 that a project or activity described in paragraph (2)
17 received sufficient funds in fiscal year 2010, or a
18 previous fiscal year, to carry out the purpose for
19 which the project or activity was authorized, the
20 Secretary may not allocate any amounts under para-
21 graph (2) for the project or activity for fiscal year
22 2011, or any subsequent fiscal year.”.

23 (d) ADMINISTRATION.—Section 5338(e)(6) of title
24 49, United States Code, is amended to read as follows:

25 “(6) \$98,911,000 for fiscal year 2011.”.

1 **SEC. 537. AMENDMENTS TO SAFETEA-LU.**

2 (a) **CONTRACTED PARATRANSIT PILOT.**—Section
3 3009(i)(1) of SAFETEA-LU (119 Stat. 1572) is amend-
4 ed by striking “2010, and for the period beginning Octo-
5 ber 1, 2010, and ending December 31, 2010” and insert-
6 ing “2011”.

7 (b) **PUBLIC-PRIVATE PARTNERSHIP PILOT PRO-**
8 **GRAM.**—Section 3011 of SAFETEA-LU (49 U.S.C. 5309
9 note; 119 Stat. 1588) is amended—

10 (1) in subsection (c)(5) by striking “2010 and
11 the period beginning October 1, 2010, and ending
12 December 31, 2010” and inserting “2011”; and

13 (2) in subsection (d) by striking “2010, and for
14 the period beginning October 1, 2010, and ending
15 December 31, 2010” and inserting “2011”.

16 (c) **ELDERLY INDIVIDUALS AND INDIVIDUALS WITH**
17 **DISABILITIES PILOT PROGRAM.**—Section 3012(b)(8) of
18 SAFETEA-LU (49 U.S.C. 5310 note; 119 Stat. 1593)
19 is amended by striking “December 31, 2010” and insert-
20 ing “September 30, 2011”.

21 (d) **OBLIGATION CEILING.**—Section 3040(7) of
22 SAFETEA-LU (119 Stat. 1639) is amended to read as
23 follows:

24 “(7) \$10,507,752,000 for fiscal year 2011, of
25 which not more than \$8,360,565,000 shall be from
26 the Mass Transit Account.”.

1 (e) PROJECT AUTHORIZATIONS FOR NEW FIXED
2 GUIDEWAY CAPITAL PROJECTS.—Section 3043 of
3 SAFETEA-LU (119 Stat. 1640) is amended—

4 (1) in subsection (b), in the matter preceding
5 paragraph (1), by striking “2010, and for the period
6 beginning October 1, 2010, and ending December
7 31, 2010,” and inserting “2011”; and

8 (2) in subsection (c), in the matter preceding
9 paragraph (1), by striking “2010, and for the period
10 beginning October 1, 2010, and ending December
11 31, 2010,” and inserting “2011”.

12 (f) ALLOCATIONS FOR NATIONAL RESEARCH AND
13 TECHNOLOGY PROGRAMS.—Section 3046 of SAFETEA-
14 LU (49 U.S.C. 5338 note; 119 Stat. 1706) is amended—

15 (1) in subsection (b) by striking “or period”;

16 (2) by striking subsection (c) and inserting the
17 following:

18 “(c) ADDITIONAL APPROPRIATIONS.—The Secretary
19 shall allocate amounts appropriated pursuant to section
20 5338(d) of title 49, United States Code, for national re-
21 search and technology programs under sections 5312,
22 5314, and 5322 of such title for fiscal years 2010 and
23 2011, in amounts equal to the amounts allocated for fiscal
24 year 2009 under each of paragraphs (2), (3), (5), (6), and
25 (8) through (25) of subsection (a).”; and

1 (3) in subsection (d)—

2 (A) by striking “2009” and inserting
3 “2010”; and

4 (B) by striking “2010” and inserting
5 “2011”.

6 **SEC. 538. LEVEL OF OBLIGATION LIMITATIONS.**

7 (a) HIGHWAY CATEGORY.—Section 8003(a) of
8 SAFETEA-LU (2 U.S.C. 901 note; 119 Stat. 1917) is
9 amended—

10 (1) in paragraph (6) by striking “for the period
11 beginning on October 1, 2009, and ending on Sep-
12 tember 30, 2010,” and inserting “for fiscal year
13 2010,”; and

14 (2) by striking paragraph (7) and inserting the
15 following:

16 “(7) for fiscal year 2011, \$42,469,970,178.”.

17 (b) MASS TRANSIT CATEGORY.—Section 8003(b) of
18 SAFETEA-LU (2 U.S.C. 901 note; 119 Stat. 1917) is
19 amended—

20 (1) in paragraph (6) by striking “for the period
21 beginning on October 1, 2009, and ending on De-
22 cember 31, 2010,” and inserting “for fiscal year
23 2010,”; and

24 (2) by striking paragraph (7) and inserting the
25 following:

1 “(7) for fiscal year 2011, \$10,338,065,000.”.

2 **Subtitle D—Extension of**
3 **Expenditure Authority**

4 **SEC. 541. EXTENSION OF EXPENDITURE AUTHORITY.**

5 (a) HIGHWAY TRUST FUND.—Section 9503 of the
6 Internal Revenue Code of 1986 is amended—

7 (1) by striking “December 31, 2010 (January
8 1, 2011, in the case of expenditures for administra-
9 tive expenses)” in subsections (b)(6)(B) and (c)(1)
10 and inserting “October 1, 2011”,

11 (2) by striking “the Surface Transportation Ex-
12 tension Act of 2010” in subsections (c)(1) and
13 (e)(3) and inserting “the Surface Transportation
14 Extension Act of 2010, Part II”, and

15 (3) by striking “January 1, 2011” in subsection
16 (e)(3) and inserting “October 1, 2011”.

17 (b) SPORT FISH RESTORATION AND BOATING TRUST
18 FUND.—Section 9504 of the Internal Revenue Code of
19 1986 is amended—

20 (1) by striking “Surface Transportation Exten-
21 sion Act of 2010” each place it appears in sub-
22 section (b)(2) and inserting “Surface Transportation
23 Extension Act of 2010, Part II”, and

24 (2) by striking “January 1, 2011” in subsection
25 (d)(2) and inserting “October 1, 2011”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on December 31, 2010.

3 **TITLE VI—EXTENSION OF**
4 **AVIATION PROGRAMS**

5 **SECTION 601. SHORT TITLE.**

6 This title may be cited as the “Airport and Airway
7 Extension Act of 2010, Part IV”.

8 **SEC. 602. EXTENSION OF TAXES FUNDING AIRPORT AND**
9 **AIRWAY TRUST FUND.**

10 (a) FUEL TAXES.—Subparagraph (B) of section
11 4081(d)(2) of the Internal Revenue Code of 1986 is
12 amended by striking “December 31, 2010” and inserting
13 “September 30, 2011”.

14 (b) TICKET TAXES.—

15 (1) PERSONS.—Clause (ii) of section
16 4261(j)(1)(A) of the Internal Revenue Code of 1986
17 is amended by striking “December 31, 2010” and
18 inserting “September 30, 2011”.

19 (2) PROPERTY.—Clause (ii) of section
20 4271(d)(1)(A) of such Code is amended by striking
21 “December 31, 2010” and inserting “September 30,
22 2011”.

23 (c) EFFECTIVE DATE.—The amendments made by
24 this section shall take effect on January 1, 2011.

1 **SEC. 603. EXTENSION OF AIRPORT AND AIRWAY TRUST**
2 **FUND EXPENDITURE AUTHORITY.**

3 (a) **IN GENERAL.**—Paragraph (1) of section 9502(d)
4 of the Internal Revenue Code of 1986 is amended—

5 (1) by striking “January 1, 2011” and insert-
6 ing “October 1, 2011”; and

7 (2) by inserting “or the Airport and Airway Ex-
8 tension Act of 2010, Part IV” before the semicolon
9 at the end of subparagraph (A).

10 (b) **CONFORMING AMENDMENT.**—Paragraph (2) of
11 section 9502(e) of such Code is amended by striking “Jan-
12 uary 1, 2011” and inserting “October 1, 2011”.

13 (c) **EFFECTIVE DATE.**—The amendments made by
14 this section shall take effect on January 1, 2011.

15 **SEC. 604. EXTENSION OF AIRPORT IMPROVEMENT PRO-**
16 **GRAM.**

17 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Section
18 48103(8) of title 49, United States Code, is amended to
19 read as follows:

20 “(8) \$3,700,000,000 for fiscal year 2011.”.

21 (b) **PROJECT GRANT AUTHORITY.**—Section 47104(c)
22 of such title is amended by striking “December 31, 2010,”
23 and inserting “September 30, 2011,”.

1 **SEC. 605. EXTENSION OF EXPIRING AUTHORITIES.**

2 (a) Section 40117(l)(7) of title 49, United States
3 Code, is amended by striking “January 1, 2011.” and in-
4 serting “October 1, 2011.”.

5 (b) Section 44302(f)(1) of such title is amended—

6 (1) by striking “December 31, 2010,” and in-
7 serting “September 30, 2011,”; and

8 (2) by striking “March 31, 2011,” and insert-
9 ing “December 31, 2011.”.

10 (c) Section 44303(b) of such title is amended by
11 striking “March 31, 2011,” and inserting “December 31,
12 2011.”.

13 (d) Section 47107(s)(3) of such title is amended by
14 striking “January 1, 2011.” and inserting “October 1,
15 2011.”.

16 (e) Section 47115(j) of such title is amended by strik-
17 ing “fiscal years 2004 through 2010, and for the portion
18 of fiscal year 2011 ending before January 1, 2011,” and
19 inserting “fiscal years 2004 through 2011.”.

20 (f) Section 47141(f) of such title is amended by strik-
21 ing “December 31, 2010.” and inserting “September 30,
22 2011.”.

23 (g) Section 49108 of such title is amended by striking
24 “December 31, 2010,” and inserting “September 30,
25 2011.”.

1 (h) Section 161 of the Vision 100—Century of Avia-
 2 tion Reauthorization Act (49 U.S.C. 47109 note) is
 3 amended by striking “fiscal year 2009 or 2010, or in the
 4 portion of fiscal year 2011 ending before January 1,
 5 2011,” and inserting “fiscal year 2009, 2010, or 2011”.

6 (i) Section 186(d) of such Act (117 Stat. 2518) is
 7 amended by striking “for fiscal years ending before Octo-
 8 ber 1, 2010, and for the portion of fiscal year 2011 ending
 9 before January 1, 2011,” and inserting “for fiscal years
 10 ending before October 1, 2011,”.

11 (j) The amendments made by this section shall take
 12 effect on January 1, 2011.

13 This division may be cited as the “Transportation,
 14 Housing and Urban Development, and Related Agencies
 15 Appropriations Act, 2011”.

16 **DIVISION M—FOOD SAFETY**

17 **SEC. 6001. SHORT TITLE; REFERENCES; TABLE OF CON-** 18 **TENTS.**

19 (a) **SHORT TITLE.**—This division may be cited as the
 20 “FDA Food Safety Modernization Act”.

21 (b) **REFERENCES.**—Except as otherwise specified,
 22 whenever in this division an amendment is expressed in
 23 terms of an amendment to a section or other provision,
 24 the reference shall be considered to be made to a section

1 or other provision of the Federal Food, Drug, and Cos-
 2 metic Act (21 U.S.C. 301 et seq.).

3 (c) TABLE OF CONTENTS.—The table of contents for
 4 this division is as follows:

DIVISION D—FOOD SAFETY

Sec. 6001. Short title; references; table of contents.

TITLE I—IMPROVING CAPACITY TO PREVENT FOOD SAFETY PROBLEMS

Sec. 6101. Inspections of records.

Sec. 6102. Registration of food facilities.

Sec. 6103. Hazard analysis and risk-based preventive controls.

Sec. 6104. Performance standards.

Sec. 6105. Standards for produce safety.

Sec. 6106. Protection against intentional adulteration.

Sec. 6107. Authority to collect fees.

Sec. 6108. National agriculture and food defense strategy.

Sec. 6109. Food and Agriculture Coordinating Councils.

Sec. 6110. Building domestic capacity.

Sec. 6111. Sanitary transportation of food.

Sec. 6112. Food allergy and anaphylaxis management.

Sec. 6113. New dietary ingredients.

Sec. 6114. Requirement for guidance relating to post-harvest processing of raw oysters.

Sec. 6115. Port shopping.

Sec. 6116. Alcohol-related facilities.

TITLE II—IMPROVING CAPACITY TO DETECT AND RESPOND TO FOOD SAFETY PROBLEMS

Sec. 6201. Targeting of inspection resources for domestic facilities, foreign facilities, and ports of entry; annual report.

Sec. 6202. Laboratory accreditation for analyses of foods.

Sec. 6203. Integrated consortium of laboratory networks.

Sec. 6204. Enhancing tracking and tracing of food and recordkeeping.

Sec. 6205. Surveillance.

Sec. 6206. Mandatory recall authority.

Sec. 6207. Administrative detention of food.

Sec. 6208. Decontamination and disposal standards and plans.

Sec. 6209. Improving the training of State, local, territorial, and tribal food safety officials.

Sec. 6210. Enhancing food safety.

Sec. 6211. Improving the reportable food registry.

TITLE III—IMPROVING THE SAFETY OF IMPORTED FOOD

Sec. 6301. Foreign supplier verification program.

Sec. 6302. Voluntary qualified importer program.

Sec. 6303. Authority to require import certifications for food.

Sec. 6304. Prior notice of imported food shipments.

- Sec. 6305. Building capacity of foreign governments with respect to food safety.
 Sec. 6306. Inspection of foreign food facilities.
 Sec. 6307. Accreditation of third-party auditors.
 Sec. 6308. Foreign offices of the Food and Drug Administration.
 Sec. 6309. Smuggled food.

TITLE IV—MISCELLANEOUS PROVISIONS

- Sec. 6401. Funding for food safety.
 Sec. 6402. Employee protections.
 Sec. 6403. Jurisdiction; authorities.
 Sec. 6404. Compliance with international agreements.
 Sec. 6405. Determination of budgetary effects.

1 **TITLE I—IMPROVING CAPACITY**
 2 **TO PREVENT FOOD SAFETY**
 3 **PROBLEMS**

4 **SEC. 6101. INSPECTIONS OF RECORDS.**

5 (a) IN GENERAL.—Section 414(a) (21 U.S.C.
 6 350c(a)) is amended—

7 (1) by striking the subsection heading and all
 8 that follows through “of food is” and inserting the
 9 following: “RECORDS INSPECTION.—

10 “(1) ADULTERATED FOOD.—If the Secretary
 11 has a reasonable belief that an article of food, and
 12 any other article of food that the Secretary reason-
 13 ably believes is likely to be affected in a similar man-
 14 ner, is”;

15 (2) by inserting “, and to any other article of
 16 food that the Secretary reasonably believes is likely
 17 to be affected in a similar manner,” after “relating
 18 to such article”;

19 (3) by striking the last sentence; and

1 (4) by inserting at the end the following:

2 “(2) USE OF OR EXPOSURE TO FOOD OF CON-
3 CERN.—If the Secretary believes that there is a rea-
4 sonable probability that the use of or exposure to an
5 article of food, and any other article of food that the
6 Secretary reasonably believes is likely to be affected
7 in a similar manner, will cause serious adverse
8 health consequences or death to humans or animals,
9 each person (excluding farms and restaurants) who
10 manufactures, processes, packs, distributes, receives,
11 holds, or imports such article shall, at the request of
12 an officer or employee duly designated by the Sec-
13 retary, permit such officer or employee, upon presen-
14 tation of appropriate credentials and a written notice
15 to such person, at reasonable times and within rea-
16 sonable limits and in a reasonable manner, to have
17 access to and copy all records relating to such article
18 and to any other article of food that the Secretary
19 reasonably believes is likely to be affected in a simi-
20 lar manner, that are needed to assist the Secretary
21 in determining whether there is a reasonable prob-
22 ability that the use of or exposure to the food will
23 cause serious adverse health consequences or death
24 to humans or animals.

1 “(3) APPLICATION.—The requirement under
 2 paragraphs (1) and (2) applies to all records relating
 3 to the manufacture, processing, packing, distribu-
 4 tion, receipt, holding, or importation of such article
 5 maintained by or on behalf of such person in any
 6 format (including paper and electronic formats) and
 7 at any location.”.

8 (b) CONFORMING AMENDMENT.—Section
 9 704(a)(1)(B) (21 U.S.C. 374(a)(1)(B)) is amended by
 10 striking “section 414 when” and all that follows through
 11 “subject to” and inserting “section 414, when the stand-
 12 ard for records inspection under paragraph (1) or (2) of
 13 section 414(a) applies, subject to”.

14 **SEC. 6102. REGISTRATION OF FOOD FACILITIES.**

15 (a) UPDATING OF FOOD CATEGORY REGULATIONS;
 16 BIENNIAL REGISTRATION RENEWAL.—Section 415(a) (21
 17 U.S.C. 350d(a)) is amended—

18 (1) in paragraph (2), by—

19 (A) striking “conducts business and” and
 20 inserting “conducts business, the e-mail address
 21 for the contact person of the facility or, in the
 22 case of a foreign facility, the United States
 23 agent for the facility, and”; and

24 (B) inserting “, or any other food cat-
 25 egories as determined appropriate by the Sec-

1 retary, including by guidance” after “Code of
2 Federal Regulations”;

3 (2) by redesignating paragraphs (3) and (4) as
4 paragraphs (4) and (5), respectively; and

5 (3) by inserting after paragraph (2) the fol-
6 lowing:

7 “(3) BIENNIAL REGISTRATION RENEWAL.—
8 During the period beginning on October 1 and end-
9 ing on December 31 of each even-numbered year, a
10 registrant that has submitted a registration under
11 paragraph (1) shall submit to the Secretary a re-
12 newal registration containing the information de-
13 scribed in paragraph (2). The Secretary shall pro-
14 vide for an abbreviated registration renewal process
15 for any registrant that has not had any changes to
16 such information since the registrant submitted the
17 preceding registration or registration renewal for the
18 facility involved.”.

19 (b) SUSPENSION OF REGISTRATION.—

20 (1) IN GENERAL.—Section 415 (21 U.S.C.
21 350d) is amended—

22 (A) in subsection (a)(2), by inserting after
23 the first sentence the following: “The registra-
24 tion shall contain an assurance that the Sec-
25 retary will be permitted to inspect such facility

1 at the times and in the manner permitted by
2 this Act.”;

3 (B) by redesignating subsections (b) and
4 (c) as subsections (e) and (d), respectively; and

5 (C) by inserting after subsection (a) the
6 following:

7 “(b) SUSPENSION OF REGISTRATION.—

8 “(1) IN GENERAL.—If the Secretary determines
9 that food manufactured, processed, packed, received,
10 or held by a facility registered under this section has
11 a reasonable probability of causing serious adverse
12 health consequences or death to humans or animals,
13 the Secretary may by order suspend the registration
14 of a facility—

15 “(A) that created, caused, or was otherwise
16 responsible for such reasonable probability; or

17 “(B)(i) that knew of, or had reason to
18 know of, such reasonable probability; and

19 “(ii) packed, received, or held such food.

20 “(2) HEARING ON SUSPENSION.—The Secretary
21 shall provide the registrant subject to an order
22 under paragraph (1) with an opportunity for an in-
23 formal hearing, to be held as soon as possible but
24 not later than 2 business days after the issuance of
25 the order or such other time period, as agreed upon

1 by the Secretary and the registrant, on the actions
2 required for reinstatement of registration and why
3 the registration that is subject to suspension should
4 be reinstated. The Secretary shall reinstate a reg-
5 istration if the Secretary determines, based on evi-
6 dence presented, that adequate grounds do not exist
7 to continue the suspension of the registration.

8 “(3) POST-HEARING CORRECTIVE ACTION PLAN;
9 VACATING OF ORDER.—

10 “(A) CORRECTIVE ACTION PLAN.—If, after
11 providing opportunity for an informal hearing
12 under paragraph (2), the Secretary determines
13 that the suspension of registration remains nec-
14 essary, the Secretary shall require the reg-
15 istrant to submit a corrective action plan to
16 demonstrate how the registrant plans to correct
17 the conditions found by the Secretary. The Sec-
18 retary shall review such plan not later than 14
19 days after the submission of the corrective ac-
20 tion plan or such other time period as deter-
21 mined by the Secretary.

22 “(B) VACATING OF ORDER.—Upon a de-
23 termination by the Secretary that adequate
24 grounds do not exist to continue the suspension
25 actions required by the order, or that such ac-

1 tions should be modified, the Secretary shall
2 promptly vacate the order and reinstate the reg-
3 istration of the facility subject to the order or
4 modify the order, as appropriate.

5 “(4) EFFECT OF SUSPENSION.—If the registra-
6 tion of a facility is suspended under this subsection,
7 no person shall import or export food into the
8 United States from such facility, offer to import or
9 export food into the United States from such facil-
10 ity, or otherwise introduce food from such facility
11 into interstate or intrastate commerce in the United
12 States.

13 “(5) REGULATIONS.—

14 “(A) IN GENERAL.—The Secretary shall
15 promulgate regulations to implement this sub-
16 section. The Secretary may promulgate such
17 regulations on an interim final basis.

18 “(B) REGISTRATION REQUIREMENT.—The
19 Secretary may require that registration under
20 this section be submitted in an electronic for-
21 mat. Such requirement may not take effect be-
22 fore the date that is 5 years after the date of
23 enactment of the FDA Food Safety Moderniza-
24 tion Act.

1 “(6) APPLICATION DATE.—Facilities shall be
2 subject to the requirements of this subsection begin-
3 ning on the earlier of—

4 “(A) the date on which the Secretary
5 issues regulations under paragraph (5); or

6 “(B) 180 days after the date of enactment
7 of the FDA Food Safety Modernization Act.

8 “(7) NO DELEGATION.—The authority con-
9 ferred by this subsection to issue an order to sus-
10 pend a registration or vacate an order of suspension
11 shall not be delegated to any officer or employee
12 other than the Commissioner.”.

13 (2) SMALL ENTITY COMPLIANCE POLICY
14 GUIDE.—Not later than 180 days after the issuance
15 of the regulations promulgated under section
16 415(b)(5) of the Federal Food, Drug, and Cosmetic
17 Act (as added by this section), the Secretary shall
18 issue a small entity compliance policy guide setting
19 forth in plain language the requirements of such
20 regulations to assist small entities in complying with
21 registration requirements and other activities re-
22 quired under such section.

23 (3) IMPORTED FOOD.—Section 801(l) (21
24 U.S.C. 381(l)) is amended by inserting “(or for

1 which a registration has been suspended under such
2 section)” after “section 415”.

3 (c) CLARIFICATION OF INTENT.—

4 (1) RETAIL FOOD ESTABLISHMENT.—The Sec-
5 retary shall amend the definition of the term “retail
6 food establishment” in section 1.227(b)(11) of title
7 21, Code of Federal Regulations to clarify that, in
8 determining the primary function of an establish-
9 ment or a retail food establishment under such sec-
10 tion, the sale of food products directly to consumers
11 by such establishment and the sale of food directly
12 to consumers by such retail food establishment in-
13 clude—

14 (A) the sale of such food products or food
15 directly to consumers by such establishment at
16 a roadside stand or farmers’ market where such
17 stand or market is located other than where the
18 food was manufactured or processed;

19 (B) the sale and distribution of such food
20 through a community supported agriculture
21 program; and

22 (C) the sale and distribution of such food
23 at any other such direct sales platform as deter-
24 mined by the Secretary.

1 (2) DEFINITIONS.—For purposes of paragraph
2 (1)—

3 (A) the term “community supported agri-
4 culture program” has the same meaning given
5 the term “community supported agriculture
6 (CSA) program” in section 249.2 of title 7,
7 Code of Federal Regulations (or any successor
8 regulation); and

9 (B) the term “consumer” does not include
10 a business.

11 (d) CONFORMING AMENDMENTS.—

12 (1) Section 301(d) (21 U.S.C. 331(d)) is
13 amended by inserting “415,” after “404,”.

14 (2) Section 415(d), as redesignated by sub-
15 section (b), is amended by adding at the end before
16 the period “for a facility to be registered, except
17 with respect to the reinstatement of a registration
18 that is suspended under subsection (b)”.

19 **SEC. 6103. HAZARD ANALYSIS AND RISK-BASED PREVEN-**
20 **TIVE CONTROLS.**

21 (a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et
22 seq.) is amended by adding at the end the following:

1 **“SEC. 418. HAZARD ANALYSIS AND RISK-BASED PREVEN-**
2 **TIVE CONTROLS.**

3 “(a) IN GENERAL.—The owner, operator, or agent
4 in charge of a facility shall, in accordance with this sec-
5 tion, evaluate the hazards that could affect food manufac-
6 tured, processed, packed, or held by such facility, identify
7 and implement preventive controls to significantly mini-
8 mize or prevent the occurrence of such hazards and pro-
9 vide assurances that such food is not adulterated under
10 section 402 or misbranded under section 403(w), monitor
11 the performance of those controls, and maintain records
12 of this monitoring as a matter of routine practice.

13 “(b) HAZARD ANALYSIS.—The owner, operator, or
14 agent in charge of a facility shall—

15 “(1) identify and evaluate known or reasonably
16 foreseeable hazards that may be associated with the
17 facility, including—

18 “(A) biological, chemical, physical, and ra-
19 diological hazards, natural toxins, pesticides,
20 drug residues, decomposition, parasites, aller-
21 gens, and unapproved food and color additives;
22 and

23 “(B) hazards that occur naturally, or may
24 be unintentionally introduced; and

1 “(2) identify and evaluate hazards that may be
2 intentionally introduced, including by acts of ter-
3 rorism; and

4 “(3) develop a written analysis of the hazards.

5 “(c) PREVENTIVE CONTROLS.—The owner, operator,
6 or agent in charge of a facility shall identify and imple-
7 ment preventive controls, including at critical control
8 points, if any, to provide assurances that—

9 “(1) hazards identified in the hazard analysis
10 conducted under subsection (b)(1) will be signifi-
11 cantly minimized or prevented;

12 “(2) any hazards identified in the hazard anal-
13 ysis conducted under subsection (b)(2) will be sig-
14 nificantly minimized or prevented and addressed,
15 consistent with section 420, as applicable; and

16 “(3) the food manufactured, processed, packed,
17 or held by such facility will not be adulterated under
18 section 402 or misbranded under section 403(w).

19 “(d) MONITORING OF EFFECTIVENESS.—The owner,
20 operator, or agent in charge of a facility shall monitor the
21 effectiveness of the preventive controls implemented under
22 subsection (c) to provide assurances that the outcomes de-
23 scribed in subsection (c) shall be achieved.

24 “(e) CORRECTIVE ACTIONS.—The owner, operator,
25 or agent in charge of a facility shall establish procedures

1 to ensure that, if the preventive controls implemented
2 under subsection (c) are not properly implemented or are
3 found to be ineffective—

4 “(1) appropriate action is taken to reduce the
5 likelihood of recurrence of the implementation fail-
6 ure;

7 “(2) all affected food is evaluated for safety;
8 and

9 “(3) all affected food is prevented from entering
10 into commerce if the owner, operator, or agent in
11 charge of such facility cannot ensure that the af-
12 fected food is not adulterated under section 402 or
13 misbranded under section 403(w).

14 “(f) VERIFICATION.—The owner, operator, or agent
15 in charge of a facility shall verify that—

16 “(1) the preventive controls implemented under
17 subsection (c) are adequate to control the hazards
18 identified under subsection (b);

19 “(2) the owner, operator, or agent is conducting
20 monitoring in accordance with subsection (d);

21 “(3) the owner, operator, or agent is making
22 appropriate decisions about corrective actions taken
23 under subsection (e);

24 “(4) the preventive controls implemented under
25 subsection (c) are effectively and significantly mini-

1 mizing or preventing the occurrence of identified
2 hazards, including through the use of environmental
3 and product testing programs and other appropriate
4 means; and

5 “(5) there is documented, periodic reanalysis of
6 the plan under subsection (i) to ensure that the plan
7 is still relevant to the raw materials, conditions, and
8 processes in the facility, and new and emerging
9 threats.

10 “(g) RECORDKEEPING.—The owner, operator, or
11 agent in charge of a facility shall maintain, for not less
12 than 2 years, records documenting the monitoring of the
13 preventive controls implemented under subsection (c), in-
14 stances of nonconformance material to food safety, the re-
15 sults of testing and other appropriate means of verification
16 under subsection (f)(4), instances when corrective actions
17 were implemented, and the efficacy of preventive controls
18 and corrective actions.

19 “(h) WRITTEN PLAN AND DOCUMENTATION.—The
20 owner, operator, or agent in charge of a facility shall pre-
21 pare a written plan that documents and describes the pro-
22 cedures used by the facility to comply with the require-
23 ments of this section, including analyzing the hazards
24 under subsection (b) and identifying the preventive con-
25 trols adopted under subsection (c) to address those haz-

1 ards. Such written plan, together with the documentation
2 described in subsection (g), shall be made promptly avail-
3 able to a duly authorized representative of the Secretary
4 upon oral or written request.

5 “(i) REQUIREMENT TO REANALYZE.—The owner,
6 operator, or agent in charge of a facility shall conduct a
7 reanalysis under subsection (b) whenever a significant
8 change is made in the activities conducted at a facility
9 operated by such owner, operator, or agent if the change
10 creates a reasonable potential for a new hazard or a sig-
11 nificant increase in a previously identified hazard or not
12 less frequently than once every 3 years, whichever is ear-
13 lier. Such reanalysis shall be completed and additional pre-
14 ventive controls needed to address the hazard identified,
15 if any, shall be implemented before the change in activities
16 at the facility is operative. Such owner, operator, or agent
17 shall revise the written plan required under subsection (h)
18 if such a significant change is made or document the basis
19 for the conclusion that no additional or revised preventive
20 controls are needed. The Secretary may require a reanaly-
21 sis under this section to respond to new hazards and devel-
22 opments in scientific understanding, including, as appro-
23 priate, results from the Department of Homeland Security
24 biological, chemical, radiological, or other terrorism risk
25 assessment.

1 “(j) EXEMPTION FOR SEAFOOD, JUICE, AND LOW-
2 ACID CANNED FOOD FACILITIES SUBJECT TO HACCP.—

3 “(1) IN GENERAL.—This section shall not apply
4 to a facility if the owner, operator, or agent in
5 charge of such facility is required to comply with,
6 and is in compliance with, 1 of the following stand-
7 ards and regulations with respect to such facility:

8 “(A) The Seafood Hazard Analysis Critical
9 Control Points Program of the Food and Drug
10 Administration.

11 “(B) The Juice Hazard Analysis Critical
12 Control Points Program of the Food and Drug
13 Administration.

14 “(C) The Thermally Processed Low-Acid
15 Foods Packaged in Hermetically Sealed Con-
16 tainers standards of the Food and Drug Ad-
17 ministration (or any successor standards).

18 “(2) APPLICABILITY.—The exemption under
19 paragraph (1)(C) shall apply only with respect to
20 microbiological hazards that are regulated under the
21 standards for Thermally Processed Low-Acid Foods
22 Packaged in Hermetically Sealed Containers under
23 part 113 of chapter 21, Code of Federal Regulations
24 (or any successor regulations).

1 “(k) EXCEPTION FOR ACTIVITIES OF FACILITIES
2 SUBJECT TO SECTION 419.—This section shall not apply
3 to activities of a facility that are subject to section 419.

4 “(l) MODIFIED REQUIREMENTS FOR QUALIFIED FA-
5 CILITIES.—

6 “(1) QUALIFIED FACILITIES.—

7 “(A) IN GENERAL.—A facility is a quali-
8 fied facility for purposes of this subsection if
9 the facility meets the conditions under subpara-
10 graph (B) or (C).

11 “(B) VERY SMALL BUSINESS.—A facility is
12 a qualified facility under this subparagraph—

13 “(i) if the facility, including any sub-
14 subsidiary or affiliate of the facility, is, collec-
15 tively, a very small business (as defined in
16 the regulations promulgated under sub-
17 section (n)); and

18 “(ii) in the case where the facility is
19 a subsidiary or affiliate of an entity, if
20 such subsidiaries or affiliates, are, collec-
21 tively, a very small business (as so de-
22 fined).

23 “(C) LIMITED ANNUAL MONETARY VALUE
24 OF SALES.—

1 “(i) IN GENERAL.—A facility is a
2 qualified facility under this subparagraph
3 if clause (ii) applies—

4 “(I) to the facility, including any
5 subsidiary or affiliate of the facility,
6 collectively; and

7 “(II) to the subsidiaries or affili-
8 ates, collectively, of any entity of
9 which the facility is a subsidiary or af-
10 filiate.

11 “(ii) AVERAGE ANNUAL MONETARY
12 VALUE.—This clause applies if—

13 “(I) during the 3-year period pre-
14 ceding the applicable calendar year,
15 the average annual monetary value of
16 the food manufactured, processed,
17 packed, or held at such facility (or the
18 collective average annual monetary
19 value of such food at any subsidiary
20 or affiliate, as described in clause (i))
21 that is sold directly to qualified end-
22 users during such period exceeded the
23 average annual monetary value of the
24 food manufactured, processed, packed,
25 or held at such facility (or the collec-

1 tive average annual monetary value of
2 such food at any subsidiary or affil-
3 iate, as so described) sold by such fa-
4 cility (or collectively by any such sub-
5 sidiary or affiliate) to all other pur-
6 chasers during such period; and

7 “(II) the average annual mone-
8 tary value of all food sold by such fa-
9 cility (or the collective average annual
10 monetary value of such food sold by
11 any subsidiary or affiliate, as de-
12 scribed in clause (i)) during such pe-
13 riod was less than \$500,000, adjusted
14 for inflation.

15 “(2) EXEMPTION.—A qualified facility—

16 “(A) shall not be subject to the require-
17 ments under subsections (a) through (i) and
18 subsection (n) in an applicable calendar year;
19 and

20 “(B) shall submit to the Secretary—

21 “(i)(I) documentation that dem-
22 onstrates that the owner, operator, or
23 agent in charge of the facility has identi-
24 fied potential hazards associated with the
25 food being produced, is implementing pre-

1 ventive controls to address the hazards,
2 and is monitoring the preventive controls
3 to ensure that such controls are effective;
4 or

5 “(II) documentation (which may in-
6 clude licenses, inspection reports, certifi-
7 cates, permits, credentials, certification by
8 an appropriate agency (such as a State de-
9 partment of agriculture), or other evidence
10 of oversight), as specified by the Secretary,
11 that the facility is in compliance with
12 State, local, county, or other applicable
13 non-Federal food safety law; and

14 “(ii) documentation, as specified by
15 the Secretary in a guidance document
16 issued not later than 1 year after the date
17 of enactment of this section, that the facil-
18 ity is a qualified facility under paragraph
19 (1)(B) or (1)(C).

20 “(3) WITHDRAWAL; RULE OF CONSTRUC-
21 TION.—

22 “(A) IN GENERAL.—In the event of an ac-
23 tive investigation of a foodborne illness out-
24 break that is directly linked to a qualified facil-
25 ity subject to an exemption under this sub-

1 section, or if the Secretary determines that it is
2 necessary to protect the public health and pre-
3 vent or mitigate a foodborne illness outbreak
4 based on conduct or conditions associated with
5 a qualified facility that are material to the safe-
6 ty of the food manufactured, processed, packed,
7 or held at such facility, the Secretary may with-
8 draw the exemption provided to such facility
9 under this subsection.

10 “(B) RULE OF CONSTRUCTION.—Nothing
11 in this subsection shall be construed to expand
12 or limit the inspection authority of the Sec-
13 retary.

14 “(4) DEFINITIONS.—In this subsection:

15 “(A) AFFILIATE.—The term ‘affiliate’
16 means any facility that controls, is controlled
17 by, or is under common control with another fa-
18 cility.

19 “(B) QUALIFIED END-USER.—The term
20 ‘qualified end-user’, with respect to a food,
21 means—

22 “(i) the consumer of the food; or

23 “(ii) a restaurant or retail food estab-
24 lishment (as those terms are defined by the

1 Secretary for purposes of section 415)
2 that—

3 “(I) is located—

4 “(aa) in the same State as
5 the qualified facility that sold the
6 food to such restaurant or estab-
7 lishment; or

8 “(bb) not more than 275
9 miles from such facility; and

10 “(II) is purchasing the food for
11 sale directly to consumers at such res-
12 taurant or retail food establishment.

13 “(C) CONSUMER.—For purposes of sub-
14 paragraph (B), the term ‘consumer’ does not
15 include a business.

16 “(D) SUBSIDIARY.—The term ‘subsidiary’
17 means any company which is owned or con-
18 trolled directly or indirectly by another com-
19 pany.

20 “(5) STUDY.—

21 “(A) IN GENERAL.—The Secretary, in con-
22 sultation with the Secretary of Agriculture,
23 shall conduct a study of the food processing
24 sector regulated by the Secretary to deter-
25 mine—

1 “(i) the distribution of food produc-
2 tion by type and size of operation, includ-
3 ing monetary value of food sold;

4 “(ii) the proportion of food produced
5 by each type and size of operation;

6 “(iii) the number and types of food
7 facilities co-located on farms, including the
8 number and proportion by commodity and
9 by manufacturing or processing activity;

10 “(iv) the incidence of foodborne illness
11 originating from each size and type of op-
12 eration and the type of food facilities for
13 which no reported or known hazard exists;
14 and

15 “(v) the effect on foodborne illness
16 risk associated with commingling, proc-
17 essing, transporting, and storing food and
18 raw agricultural commodities, including
19 differences in risk based on the scale and
20 duration of such activities.

21 “(B) SIZE.—The results of the study con-
22 ducted under subparagraph (A) shall include
23 the information necessary to enable the Sec-
24 retary to define the terms ‘small business’ and
25 ‘very small business’, for purposes of promul-

1 gating the regulation under subsection (n). In
2 defining such terms, the Secretary shall include
3 consideration of harvestable acres, income, the
4 number of employees, and the volume of food
5 harvested.

6 “(C) SUBMISSION OF REPORT.—Not later
7 than 18 months after the date of enactment the
8 FDA Food Safety Modernization Act, the Sec-
9 retary shall submit to Congress a report that
10 describes the results of the study conducted
11 under subparagraph (A).

12 “(6) NO PREEMPTION.—Nothing in this sub-
13 section preempts State, local, county, or other non-
14 Federal law regarding the safe production of food.
15 Compliance with this subsection shall not relieve any
16 person from liability at common law or under State
17 statutory law.

18 “(7) NOTIFICATION TO CONSUMERS.—

19 “(A) IN GENERAL.—A qualified facility
20 that is exempt from the requirements under
21 subsections (a) through (i) and subsection (n)
22 and does not prepare documentation under
23 paragraph (2)(B)(i)(I) shall—

24 “(i) with respect to a food for which
25 a food packaging label is required by the

1 Secretary under any other provision of this
2 Act, include prominently and conspicuously
3 on such label the name and business ad-
4 dress of the facility where the food was
5 manufactured or processed; or

6 “(ii) with respect to a food for which
7 a food packaging label is not required by
8 the Secretary under any other provisions of
9 this Act, prominently and conspicuously
10 display, at the point of purchase, the name
11 and business address of the facility where
12 the food was manufactured or processed,
13 on a label, poster, sign, placard, or docu-
14 ments delivered contemporaneously with
15 the food in the normal course of business,
16 or, in the case of Internet sales, in an elec-
17 tronic notice.

18 “(B) NO ADDITIONAL LABEL.—Subpara-
19 graph (A) does not provide authority to the
20 Secretary to require a label that is in addition
21 to any label required under any other provision
22 of this Act.

23 “(m) AUTHORITY WITH RESPECT TO CERTAIN FA-
24 CILITIES.—The Secretary may, by regulation, exempt or
25 modify the requirements for compliance under this section

1 with respect to facilities that are solely engaged in the pro-
2 duction of food for animals other than man, the storage
3 of raw agricultural commodities (other than fruits and
4 vegetables) intended for further distribution or processing,
5 or the storage of packaged foods that are not exposed to
6 the environment.

7 “(n) REGULATIONS.—

8 “(1) IN GENERAL.—Not later than 18 months
9 after the date of enactment of the FDA Food Safety
10 Modernization Act, the Secretary shall promulgate
11 regulations—

12 “(A) to establish science-based minimum
13 standards for conducting a hazard analysis,
14 documenting hazards, implementing preventive
15 controls, and documenting the implementation
16 of the preventive controls under this section;
17 and

18 “(B) to define, for purposes of this section,
19 the terms ‘small business’ and ‘very small busi-
20 ness’, taking into consideration the study de-
21 scribed in subsection (l)(5).

22 “(2) COORDINATION.—In promulgating the reg-
23 ulations under paragraph (1)(A), with regard to haz-
24 ards that may be intentionally introduced, including
25 by acts of terrorism, the Secretary shall coordinate

1 with the Secretary of Homeland Security, as appro-
2 priate.

3 “(3) CONTENT.—The regulations promulgated
4 under paragraph (1)(A) shall—

5 “(A) provide sufficient flexibility to be
6 practicable for all sizes and types of facilities,
7 including small businesses such as a small food
8 processing facility co-located on a farm;

9 “(B) comply with chapter 35 of title 44,
10 United States Code (commonly known as the
11 ‘Paperwork Reduction Act’), with special atten-
12 tion to minimizing the burden (as defined in
13 section 3502(2) of such Act) on the facility, and
14 collection of information (as defined in section
15 3502(3) of such Act), associated with such reg-
16 ulations;

17 “(C) acknowledge differences in risk and
18 minimize, as appropriate, the number of sepa-
19 rate standards that apply to separate foods;
20 and

21 “(D) not require a facility to hire a con-
22 sultant or other third party to identify, imple-
23 ment, certify, or audit preventative controls, ex-
24 cept in the case of negotiated enforcement reso-

1 lutions that may require such a consultant or
2 third party.

3 “(4) RULE OF CONSTRUCTION.—Nothing in
4 this subsection shall be construed to provide the Sec-
5 retary with the authority to prescribe specific tech-
6 nologies, practices, or critical controls for an indi-
7 vidual facility.

8 “(5) REVIEW.—In promulgating the regulations
9 under paragraph (1)(A), the Secretary shall review
10 regulatory hazard analysis and preventive control
11 programs in existence on the date of enactment of
12 the FDA Food Safety Modernization Act, including
13 the Grade ‘A’ Pasteurized Milk Ordinance to ensure
14 that such regulations are consistent, to the extent
15 practicable, with applicable domestic and inter-
16 nationally recognized standards in existence on such
17 date.

18 “(o) DEFINITIONS.—For purposes of this section:

19 “(1) CRITICAL CONTROL POINT.—The term
20 ‘critical control point’ means a point, step, or proce-
21 dure in a food process at which control can be ap-
22 plied and is essential to prevent or eliminate a food
23 safety hazard or reduce such hazard to an accept-
24 able level.

1 “(2) FACILITY.—The term ‘facility’ means a
2 domestic facility or a foreign facility that is required
3 to register under section 415.

4 “(3) PREVENTIVE CONTROLS.—The term ‘pre-
5 ventive controls’ means those risk-based, reasonably
6 appropriate procedures, practices, and processes that
7 a person knowledgeable about the safe manufac-
8 turing, processing, packing, or holding of food would
9 employ to significantly minimize or prevent the haz-
10 ards identified under the hazard analysis conducted
11 under subsection (b) and that are consistent with
12 the current scientific understanding of safe food
13 manufacturing, processing, packing, or holding at
14 the time of the analysis. Those procedures, practices,
15 and processes may include the following:

16 “(A) Sanitation procedures for food con-
17 tact surfaces and utensils and food-contact sur-
18 faces of equipment.

19 “(B) Supervisor, manager, and employee
20 hygiene training.

21 “(C) An environmental monitoring pro-
22 gram to verify the effectiveness of pathogen
23 controls in processes where a food is exposed to
24 a potential contaminant in the environment.

25 “(D) A food allergen control program.

1 “(E) A recall plan.

2 “(F) Current Good Manufacturing Prac-
3 tices (cGMPs) under part 110 of title 21, Code
4 of Federal Regulations (or any successor regu-
5 lations).

6 “(G) Supplier verification activities that
7 relate to the safety of food.”.

8 (b) GUIDANCE DOCUMENT.—The Secretary shall
9 issue a guidance document related to the regulations pro-
10 mulgated under subsection (b)(1) with respect to the haz-
11 ard analysis and preventive controls under section 418 of
12 the Federal Food, Drug, and Cosmetic Act (as added by
13 subsection (a)).

14 (c) RULEMAKING.—

15 (1) PROPOSED RULEMAKING.—

16 (A) IN GENERAL.—Not later than 9
17 months after the date of enactment of this Act,
18 the Secretary of Health and Human Services
19 (referred to in this subsection as the “Sec-
20 retary”) shall publish a notice of proposed rule-
21 making in the Federal Register to promulgate
22 regulations with respect to—

23 (i) activities that constitute on-farm
24 packing or holding of food that is not
25 grown, raised, or consumed on such farm

1 or another farm under the same ownership
2 for purposes of section 415 of the Federal
3 Food, Drug, and Cosmetic Act (21 U.S.C.
4 350d), as amended by this Act; and

5 (ii) activities that constitute on-farm
6 manufacturing or processing of food that is
7 not consumed on that farm or on another
8 farm under common ownership for pur-
9 poses of such section 415.

10 (B) CLARIFICATION.—The rulemaking de-
11 scribed under subparagraph (A) shall enhance
12 the implementation of such section 415 and
13 clarify the activities that are included as part of
14 the definition of the term “facility” under such
15 section 415. Nothing in this Act authorizes the
16 Secretary to modify the definition of the term
17 “facility” under such section.

18 (C) SCIENCE-BASED RISK ANALYSIS.—In
19 promulgating regulations under subparagraph
20 (A), the Secretary shall conduct a science-based
21 risk analysis of—

22 (i) specific types of on-farm packing
23 or holding of food that is not grown,
24 raised, or consumed on such farm or an-
25 other farm under the same ownership, as

1 such packing and holding relates to spe-
2 cific foods; and

3 (ii) specific on-farm manufacturing
4 and processing activities as such activities
5 relate to specific foods that are not con-
6 sumed on that farm or on another farm
7 under common ownership.

8 (D) AUTHORITY WITH RESPECT TO CER-
9 TAIN FACILITIES.—

10 (i) IN GENERAL.—In promulgating
11 the regulations under subparagraph (A),
12 the Secretary shall consider the results of
13 the science-based risk analysis conducted
14 under subparagraph (C), and shall exempt
15 certain facilities from the requirements in
16 section 418 of the Federal Food, Drug,
17 and Cosmetic Act (as added by this sec-
18 tion), including hazard analysis and pre-
19 ventive controls, and the mandatory in-
20 spection frequency in section 421 of such
21 Act (as added by section 6201), or modify
22 the requirements in such sections 418 or
23 421, as the Secretary determines appro-
24 priate, if such facilities are engaged only in
25 specific types of on-farm manufacturing,

1 processing, packing, or holding activities
2 that the Secretary determines to be low
3 risk involving specific foods the Secretary
4 determines to be low risk.

5 (ii) LIMITATION.—The exemptions or
6 modifications under clause (i) shall not in-
7 clude an exemption from the requirement
8 to register under section 415 of the Fed-
9 eral Food, Drug, and Cosmetic Act (21
10 U.S.C. 350d), as amended by this Act, if
11 applicable, and shall apply only to small
12 businesses and very small businesses, as
13 defined in the regulation promulgated
14 under section 418(n) of the Federal Food,
15 Drug, and Cosmetic Act (as added under
16 subsection (a)).

17 (2) FINAL REGULATIONS.—Not later than 9
18 months after the close of the comment period for the
19 proposed rulemaking under paragraph (1), the Sec-
20 retary shall adopt final rules with respect to—

21 (A) activities that constitute on-farm pack-
22 ing or holding of food that is not grown, raised,
23 or consumed on such farm or another farm
24 under the same ownership for purposes of sec-
25 tion 415 of the Federal Food, Drug, and Cos-

1 metic Act (21 U.S.C. 350d), as amended by
2 this Act;

3 (B) activities that constitute on-farm man-
4 ufacturing or processing of food that is not con-
5 sumed on that farm or on another farm under
6 common ownership for purposes of such section
7 415; and

8 (C) the requirements under sections 418
9 and 421 of the Federal Food, Drug, and Cos-
10 metic Act, as added by this Act, from which the
11 Secretary may issue exemptions or modifica-
12 tions of the requirements for certain types of
13 facilities.

14 (d) SMALL ENTITY COMPLIANCE POLICY GUIDE.—
15 Not later than 180 days after the issuance of the regula-
16 tions promulgated under subsection (n) of section 418 of
17 the Federal Food, Drug, and Cosmetic Act (as added by
18 subsection (a)), the Secretary shall issue a small entity
19 compliance policy guide setting forth in plain language the
20 requirements of such section 418 and this section to assist
21 small entities in complying with the hazard analysis and
22 other activities required under such section 418 and this
23 section.

24 (e) PROHIBITED ACTS.—Section 301 (21 U.S.C.
25 331) is amended by adding at the end the following:

1 “(uu) The operation of a facility that manufactures,
2 processes, packs, or holds food for sale in the United
3 States if the owner, operator, or agent in charge of such
4 facility is not in compliance with section 418.”.

5 (f) NO EFFECT ON HACCP AUTHORITIES.—Nothing
6 in the amendments made by this section limits the author-
7 ity of the Secretary under the Federal Food, Drug, and
8 Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health
9 Service Act (42 U.S.C. 201 et seq.) to revise, issue, or
10 enforce Hazard Analysis Critical Control programs and
11 the Thermally Processed Low-Acid Foods Packaged in
12 Hermetically Sealed Containers standards.

13 (g) DIETARY SUPPLEMENTS.—Nothing in the
14 amendments made by this section shall apply to any facil-
15 ity with regard to the manufacturing, processing, packing,
16 or holding of a dietary supplement that is in compliance
17 with the requirements of sections 402(g)(2) and 761 of
18 the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
19 342(g)(2), 379aa–1).

20 (h) UPDATING GUIDANCE RELATING TO FISH AND
21 FISHERIES PRODUCTS HAZARDS AND CONTROLS.—The
22 Secretary shall, not later than 180 days after the date of
23 enactment of this Act, update the Fish and Fisheries
24 Products Hazards and Control Guidance to take into ac-

1 count advances in technology that have occurred since the
2 previous publication of such Guidance by the Secretary.

3 (i) EFFECTIVE DATES.—

4 (1) GENERAL RULE.—The amendments made
5 by this section shall take effect 18 months after the
6 date of enactment of this Act.

7 (2) FLEXIBILITY FOR SMALL BUSINESSES.—
8 Notwithstanding paragraph (1)—

9 (A) the amendments made by this section
10 shall apply to a small business (as defined in
11 the regulations promulgated under section
12 418(n) of the Federal Food, Drug, and Cos-
13 metic Act (as added by this section)) beginning
14 on the date that is 6 months after the effective
15 date of such regulations; and

16 (B) the amendments made by this section
17 shall apply to a very small business (as defined
18 in such regulations) beginning on the date that
19 is 18 months after the effective date of such
20 regulations.

21 **SEC. 6104. PERFORMANCE STANDARDS.**

22 (a) IN GENERAL.—The Secretary shall, in coordina-
23 tion with the Secretary of Agriculture, not less frequently
24 than every 2 years, review and evaluate relevant health
25 data and other relevant information, including from toxi-

1 cological and epidemiological studies and analyses, current
2 Good Manufacturing Practices issued by the Secretary re-
3 lating to food, and relevant recommendations of relevant
4 advisory committees, including the Food Advisory Com-
5 mittee, to determine the most significant foodborne con-
6 taminants.

7 (b) GUIDANCE DOCUMENTS AND REGULATIONS.—
8 Based on the review and evaluation conducted under sub-
9 section (a), and when appropriate to reduce the risk of
10 serious illness or death to humans or animals or to prevent
11 adulteration of the food under section 402 of the Federal
12 Food, Drug, or Cosmetic Act (21 U.S.C. 342) or to pre-
13 vent the spread by food of communicable disease under
14 section 361 of the Public Health Service Act (42 U.S.C.
15 264), the Secretary shall issue contaminant-specific and
16 science-based guidance documents, including guidance
17 documents regarding action levels, or regulations. Such
18 guidance, including guidance regarding action levels, or
19 regulations—

20 (1) shall apply to products or product classes;

21 (2) shall, where appropriate, differentiate be-
22 tween food for human consumption and food in-
23 tended for consumption by animals other than hu-
24 mans; and

25 (3) shall not be written to be facility-specific.

1 (c) NO DUPLICATION OF EFFORTS.—The Secretary
2 shall coordinate with the Secretary of Agriculture to avoid
3 issuing duplicative guidance on the same contaminants.

4 (d) REVIEW.—The Secretary shall periodically review
5 and revise, as appropriate, the guidance documents, in-
6 cluding guidance documents regarding action levels, or
7 regulations promulgated under this section.

8 **SEC. 6105. STANDARDS FOR PRODUCE SAFETY.**

9 (a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et
10 seq.), as amended by section 6103, is amended by adding
11 at the end the following:

12 **“SEC. 419. STANDARDS FOR PRODUCE SAFETY.**

13 “(a) PROPOSED RULEMAKING.—

14 “(1) IN GENERAL.—

15 “(A) RULEMAKING.—Not later than 1 year
16 after the date of enactment of the FDA Food
17 Safety Modernization Act, the Secretary, in co-
18 ordination with the Secretary of Agriculture
19 and representatives of State departments of ag-
20 riculture (including with regard to the national
21 organic program established under the Organic
22 Foods Production Act of 1990), and in con-
23 sultation with the Secretary of Homeland Secu-
24 rity, shall publish a notice of proposed rule-
25 making to establish science-based minimum

1 standards for the safe production and har-
2 vesting of those types of fruits and vegetables,
3 including specific mixes or categories of fruits
4 and vegetables, that are raw agricultural com-
5 modities for which the Secretary has deter-
6 mined that such standards minimize the risk of
7 serious adverse health consequences or death.

8 “(B) DETERMINATION BY SECRETARY.—

9 With respect to small businesses and very small
10 businesses (as such terms are defined in the
11 regulation promulgated under subparagraph
12 (A)) that produce and harvest those types of
13 fruits and vegetables that are raw agricultural
14 commodities that the Secretary has determined
15 are low risk and do not present a risk of serious
16 adverse health consequences or death, the Sec-
17 retary may determine not to include production
18 and harvesting of such fruits and vegetables in
19 such rulemaking, or may modify the applicable
20 requirements of regulations promulgated pursu-
21 ant to this section.

22 “(2) PUBLIC INPUT.—During the comment pe-
23 riod on the notice of proposed rulemaking under
24 paragraph (1), the Secretary shall conduct not less
25 than 3 public meetings in diverse geographical areas

1 of the United States to provide persons in different
2 regions an opportunity to comment.

3 “(3) CONTENT.—The proposed rulemaking
4 under paragraph (1) shall—

5 “(A) provide sufficient flexibility to be ap-
6 plicable to various types of entities engaged in
7 the production and harvesting of fruits and
8 vegetables that are raw agricultural commod-
9 ities, including small businesses and entities
10 that sell directly to consumers, and be appro-
11 priate to the scale and diversity of the produc-
12 tion and harvesting of such commodities;

13 “(B) include, with respect to growing, har-
14 vesting, sorting, packing, and storage oper-
15 ations, science-based minimum standards re-
16 lated to soil amendments, hygiene, packaging,
17 temperature controls, animals in the growing
18 area, and water;

19 “(C) consider hazards that occur naturally,
20 may be unintentionally introduced, or may be
21 intentionally introduced, including by acts of
22 terrorism;

23 “(D) take into consideration, consistent
24 with ensuring enforceable public health protec-
25 tion, conservation and environmental practice

1 standards and policies established by Federal
2 natural resource conservation, wildlife conserva-
3 tion, and environmental agencies;

4 “(E) in the case of production that is cer-
5 tified organic, not include any requirements
6 that conflict with or duplicate the requirements
7 of the national organic program established
8 under the Organic Foods Production Act of
9 1990, while providing the same level of public
10 health protection as the requirements under
11 guidance documents, including guidance docu-
12 ments regarding action levels, and regulations
13 under the FDA Food Safety Modernization Act;
14 and

15 “(F) define, for purposes of this section,
16 the terms ‘small business’ and ‘very small busi-
17 ness’.

18 “(4) PRIORITIZATION.—The Secretary shall
19 prioritize the implementation of the regulations
20 under this section for specific fruits and vegetables
21 that are raw agricultural commodities based on
22 known risks which may include a history and sever-
23 ity of foodborne illness outbreaks.

24 “(b) FINAL REGULATION.—

1 “(1) IN GENERAL.—Not later than 1 year after
2 the close of the comment period for the proposed
3 rulemaking under subsection (a), the Secretary shall
4 adopt a final regulation to provide for minimum
5 science-based standards for those types of fruits and
6 vegetables, including specific mixes or categories of
7 fruits or vegetables, that are raw agricultural com-
8 modities, based on known safety risks, which may
9 include a history of foodborne illness outbreaks.

10 “(2) FINAL REGULATION.—The final regulation
11 shall—

12 “(A) provide for coordination of education
13 and enforcement activities by State and local
14 officials, as designated by the Governors of the
15 respective States or the appropriate elected
16 State official as recognized by State statute;
17 and

18 “(B) include a description of the variance
19 process under subsection (c) and the types of
20 permissible variances the Secretary may grant.

21 “(3) FLEXIBILITY FOR SMALL BUSINESSES.—
22 Notwithstanding paragraph (1)—

23 “(A) the regulations promulgated under
24 this section shall apply to a small business (as
25 defined in the regulation promulgated under

1 subsection (a)(1)) after the date that is 1 year
2 after the effective date of the final regulation
3 under paragraph (1); and

4 “(B) the regulations promulgated under
5 this section shall apply to a very small business
6 (as defined in the regulation promulgated under
7 subsection (a)(1)) after the date that is 2 years
8 after the effective date of the final regulation
9 under paragraph (1).

10 “(c) CRITERIA.—

11 “(1) IN GENERAL.—The regulations adopted
12 under subsection (b) shall—

13 “(A) set forth those procedures, processes,
14 and practices that the Secretary determines to
15 minimize the risk of serious adverse health con-
16 sequences or death, including procedures, proc-
17 esses, and practices that the Secretary deter-
18 mines to be reasonably necessary to prevent the
19 introduction of known or reasonably foreseeable
20 biological, chemical, and physical hazards, in-
21 cluding hazards that occur naturally, may be
22 unintentionally introduced, or may be inten-
23 tionally introduced, including by acts of ter-
24 rorism, into fruits and vegetables, including
25 specific mixes or categories of fruits and vegeta-

1 bles, that are raw agricultural commodities and
2 to provide reasonable assurances that the
3 produce is not adulterated under section 402;

4 “(B) provide sufficient flexibility to be
5 practicable for all sizes and types of businesses,
6 including small businesses such as a small food
7 processing facility co-located on a farm;

8 “(C) comply with chapter 35 of title 44,
9 United States Code (commonly known as the
10 ‘Paperwork Reduction Act’), with special atten-
11 tion to minimizing the burden (as defined in
12 section 3502(2) of such Act) on the business,
13 and collection of information (as defined in sec-
14 tion 3502(3) of such Act), associated with such
15 regulations;

16 “(D) acknowledge differences in risk and
17 minimize, as appropriate, the number of sepa-
18 rate standards that apply to separate foods;
19 and

20 “(E) not require a business to hire a con-
21 sultant or other third party to identify, imple-
22 ment, or certify compliance with these proce-
23 dures, processes, and practices, except in the
24 case of negotiated enforcement resolutions that

1 may require such a consultant or third party;
2 and

3 “(F) permit States and foreign countries
4 from which food is imported into the United
5 States to request from the Secretary variances
6 from the requirements of the regulations, sub-
7 ject to paragraph (2), where the State or for-
8 eign country determines that the variance is
9 necessary in light of local growing conditions
10 and that the procedures, processes, and prac-
11 tices to be followed under the variance are rea-
12 sonably likely to ensure that the produce is not
13 adulterated under section 402 and to provide
14 the same level of public health protection as the
15 requirements of the regulations adopted under
16 subsection (b).

17 “(2) VARIANCES.—

18 “(A) REQUESTS FOR VARIANCES.—A State
19 or foreign country from which food is imported
20 into the United States may in writing request
21 a variance from the Secretary. Such request
22 shall describe the variance requested and
23 present information demonstrating that the
24 variance does not increase the likelihood that
25 the food for which the variance is requested will

1 be adulterated under section 402, and that the
2 variance provides the same level of public health
3 protection as the requirements of the regula-
4 tions adopted under subsection (b). The Sec-
5 retary shall review such requests in a reason-
6 able timeframe.

7 “(B) APPROVAL OF VARIANCES.—The Sec-
8 retary may approve a variance in whole or in
9 part, as appropriate, and may specify the scope
10 of applicability of a variance to other similarly
11 situated persons.

12 “(C) DENIAL OF VARIANCES.—The Sec-
13 retary may deny a variance request if the Sec-
14 retary determines that such variance is not rea-
15 sonably likely to ensure that the food is not
16 adulterated under section 402 and is not rea-
17 sonably likely to provide the same level of public
18 health protection as the requirements of the
19 regulation adopted under subsection (b). The
20 Secretary shall notify the person requesting
21 such variance of the reasons for the denial.

22 “(D) MODIFICATION OR REVOCATION OF A
23 VARIANCE.—The Secretary, after notice and an
24 opportunity for a hearing, may modify or re-
25 voke a variance if the Secretary determines that

1 such variance is not reasonably likely to ensure
2 that the food is not adulterated under section
3 402 and is not reasonably likely to provide the
4 same level of public health protection as the re-
5 quirements of the regulations adopted under
6 subsection (b).

7 “(d) ENFORCEMENT.—The Secretary may coordinate
8 with the Secretary of Agriculture and, as appropriate,
9 shall contract and coordinate with the agency or depart-
10 ment designated by the Governor of each State to perform
11 activities to ensure compliance with this section.

12 “(e) GUIDANCE.—

13 “(1) IN GENERAL.—Not later than 1 year after
14 the date of enactment of the FDA Food Safety Mod-
15 ernization Act, the Secretary shall publish, after
16 consultation with the Secretary of Agriculture, rep-
17 resentatives of State departments of agriculture,
18 farmer representatives, and various types of entities
19 engaged in the production and harvesting or import-
20 ing of fruits and vegetables that are raw agricultural
21 commodities, including small businesses, updated
22 good agricultural practices and guidance for the safe
23 production and harvesting of specific types of fresh
24 produce under this section.

1 “(2) PUBLIC MEETINGS.—The Secretary shall
2 conduct not fewer than 3 public meetings in diverse
3 geographical areas of the United States as part of
4 an effort to conduct education and outreach regard-
5 ing the guidance described in paragraph (1) for per-
6 sons in different regions who are involved in the pro-
7 duction and harvesting of fruits and vegetables that
8 are raw agricultural commodities, including persons
9 that sell directly to consumers and farmer represent-
10 atives, and for importers of fruits and vegetables
11 that are raw agricultural commodities.

12 “(3) PAPERWORK REDUCTION.—The Secretary
13 shall ensure that any updated guidance under this
14 section will—

15 “(A) provide sufficient flexibility to be
16 practicable for all sizes and types of facilities,
17 including small businesses such as a small food
18 processing facility co-located on a farm; and

19 “(B) acknowledge differences in risk and
20 minimize, as appropriate, the number of sepa-
21 rate standards that apply to separate foods.

22 “(f) EXEMPTION FOR DIRECT FARM MARKETING.—

23 “(1) IN GENERAL.—A farm shall be exempt
24 from the requirements under this section in a cal-
25 endar year if—

1 “(A) during the previous 3-year period, the
2 average annual monetary value of the food sold
3 by such farm directly to qualified end-users
4 during such period exceeded the average annual
5 monetary value of the food sold by such farm
6 to all other buyers during such period; and

7 “(B) the average annual monetary value of
8 all food sold during such period was less than
9 \$500,000, adjusted for inflation.

10 “(2) NOTIFICATION TO CONSUMERS.—

11 “(A) IN GENERAL.—A farm that is exempt
12 from the requirements under this section
13 shall—

14 “(i) with respect to a food for which
15 a food packaging label is required by the
16 Secretary under any other provision of this
17 Act, include prominently and conspicuously
18 on such label the name and business ad-
19 dress of the farm where the produce was
20 grown; or

21 “(ii) with respect to a food for which
22 a food packaging label is not required by
23 the Secretary under any other provision of
24 this Act, prominently and conspicuously
25 display, at the point of purchase, the name

1 and business address of the farm where
2 the produce was grown, on a label, poster,
3 sign, placard, or document delivered con-
4 temporaneously with the food in the nor-
5 mal course of business, or, in the case of
6 Internet sales, in an electronic notice.

7 “(B) NO ADDITIONAL LABEL.—Subpara-
8 graph (A) does not provide authority to the
9 Secretary to require a label that is in addition
10 to any label required under any other provision
11 of this Act.

12 “(3) WITHDRAWAL; RULE OF CONSTRUC-
13 TION.—

14 “(A) IN GENERAL.—In the event of an ac-
15 tive investigation of a foodborne illness out-
16 break that is directly linked to a farm subject
17 to an exemption under this subsection, or if the
18 Secretary determines that it is necessary to pro-
19 tect the public health and prevent or mitigate
20 a foodborne illness outbreak based on conduct
21 or conditions associated with a farm that are
22 material to the safety of the food produced or
23 harvested at such farm, the Secretary may
24 withdraw the exemption provided to such farm
25 under this subsection.

1 “(B) RULE OF CONSTRUCTION.—Nothing
2 in this subsection shall be construed to expand
3 or limit the inspection authority of the Sec-
4 retary.

5 “(4) DEFINITIONS.—

6 “(A) QUALIFIED END-USER.—In this sub-
7 section, the term ‘qualified end-user’, with re-
8 spect to a food means—

9 “(i) the consumer of the food; or

10 “(ii) a restaurant or retail food estab-
11 lishment (as those terms are defined by the
12 Secretary for purposes of section 415) that
13 is located—

14 “(I) in the same State as the
15 farm that produced the food; or

16 “(II) not more than 275 miles
17 from such farm.

18 “(B) CONSUMER.—For purposes of sub-
19 paragraph (A), the term ‘consumer’ does not
20 include a business.

21 “(5) NO PREEMPTION.—Nothing in this sub-
22 section preempts State, local, county, or other non-
23 Federal law regarding the safe production, har-
24 vesting, holding, transportation, and sale of fresh
25 fruits and vegetables. Compliance with this sub-

1 section shall not relieve any person from liability at
2 common law or under State statutory law.

3 “(6) LIMITATION OF EFFECT.—Nothing in this
4 subsection shall prevent the Secretary from exer-
5 cising any authority granted in the other sections of
6 this Act.

7 “(g) CLARIFICATION.—This section shall not apply to
8 produce that is produced by an individual for personal
9 consumption.

10 “(h) EXCEPTION FOR ACTIVITIES OF FACILITIES
11 SUBJECT TO SECTION 418.—This section shall not apply
12 to activities of a facility that are subject to section 418.”.

13 (b) SMALL ENTITY COMPLIANCE POLICY GUIDE.—
14 Not later than 180 days after the issuance of regulations
15 under section 419 of the Federal Food, Drug, and Cos-
16 metic Act (as added by subsection (a)), the Secretary of
17 Health and Human Services shall issue a small entity
18 compliance policy guide setting forth in plain language the
19 requirements of such section 419 and to assist small enti-
20 ties in complying with standards for safe production and
21 harvesting and other activities required under such sec-
22 tion.

23 (c) PROHIBITED ACTS.—Section 301 (21 U.S.C.
24 331), as amended by section 6103, is amended by adding
25 at the end the following:

1 “(vv) The failure to comply with the requirements
2 under section 419.”.

3 (d) NO EFFECT ON HACCP AUTHORITIES.—Noth-
4 ing in the amendments made by this section limits the au-
5 thority of the Secretary under the Federal Food, Drug,
6 and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public
7 Health Service Act (42 U.S.C. 201 et seq.) to revise, issue,
8 or enforce product and category-specific regulations, such
9 as the Seafood Hazard Analysis Critical Controls Points
10 Program, the Juice Hazard Analysis Critical Control Pro-
11 gram, and the Thermally Processed Low-Acid Foods
12 Packaged in Hermetically Sealed Containers standards.

13 **SEC. 6106. PROTECTION AGAINST INTENTIONAL ADULTER-**
14 **ATION.**

15 (a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et
16 seq.), as amended by section 6105, is amended by adding
17 at the end the following:

18 **“SEC. 420. PROTECTION AGAINST INTENTIONAL ADULTERA-**
19 **TION.**

20 “(a) DETERMINATIONS.—

21 “(1) IN GENERAL.—The Secretary shall—

22 “(A) conduct a vulnerability assessment of
23 the food system, including by consideration of
24 the Department of Homeland Security biologi-

1 cal, chemical, radiological, or other terrorism
2 risk assessments;

3 “(B) consider the best available under-
4 standing of uncertainties, risks, costs, and ben-
5 efits associated with guarding against inten-
6 tional adulteration of food at vulnerable points;
7 and

8 “(C) determine the types of science-based
9 mitigation strategies or measures that are nec-
10 essary to protect against the intentional adul-
11 teration of food.

12 “(2) LIMITED DISTRIBUTION.—In the interest
13 of national security, the Secretary, in consultation
14 with the Secretary of Homeland Security, may deter-
15 mine the time, manner, and form in which deter-
16 minations made under paragraph (1) are made pub-
17 licly available.

18 “(b) REGULATIONS.—Not later than 18 months after
19 the date of enactment of the FDA Food Safety Moderniza-
20 tion Act, the Secretary, in coordination with the Secretary
21 of Homeland Security and in consultation with the Sec-
22 retary of Agriculture, shall promulgate regulations to pro-
23 tect against the intentional adulteration of food subject
24 to this Act. Such regulations shall—

1 “(1) specify how a person shall assess whether
2 the person is required to implement mitigation strat-
3 egies or measures intended to protect against the in-
4 tentional adulteration of food; and

5 “(2) specify appropriate science-based mitiga-
6 tion strategies or measures to prepare and protect
7 the food supply chain at specific vulnerable points,
8 as appropriate.

9 “(c) APPLICABILITY.—Regulations promulgated
10 under subsection (b) shall apply only to food for which
11 there is a high risk of intentional contamination, as deter-
12 mined by the Secretary, in consultation with the Secretary
13 of Homeland Security, under subsection (a), that could
14 cause serious adverse health consequences or death to hu-
15 mans or animals and shall include those foods—

16 “(1) for which the Secretary has identified clear
17 vulnerabilities (including short shelf-life or suscepti-
18 bility to intentional contamination at critical control
19 points); and

20 “(2) in bulk or batch form, prior to being pack-
21 aged for the final consumer.

22 “(d) EXCEPTION.—This section shall not apply to
23 farms, except for those that produce milk.

24 “(e) DEFINITION.—For purposes of this section, the
25 term ‘farm’ has the meaning given that term in section

1 1.227 of title 21, Code of Federal Regulations (or any suc-
2 cessor regulation).”.

3 (b) GUIDANCE DOCUMENTS.—

4 (1) IN GENERAL.—Not later than 1 year after
5 the date of enactment of this Act, the Secretary of
6 Health and Human Services, in consultation with
7 the Secretary of Homeland Security and the Sec-
8 retary of Agriculture, shall issue guidance docu-
9 ments related to protection against the intentional
10 adulteration of food, including mitigation strategies
11 or measures to guard against such adulteration as
12 required under section 420 of the Federal Food,
13 Drug, and Cosmetic Act, as added by subsection (a).

14 (2) CONTENT.—The guidance documents issued
15 under paragraph (1) shall—

16 (A) include a model assessment for a per-
17 son to use under subsection (b)(1) of section
18 420 of the Federal Food, Drug, and Cosmetic
19 Act, as added by subsection (a);

20 (B) include examples of mitigation strate-
21 gies or measures described in subsection (b)(2)
22 of such section; and

23 (C) specify situations in which the exam-
24 ples of mitigation strategies or measures de-

1 scribed in subsection (b)(2) of such section are
2 appropriate.

3 (3) LIMITED DISTRIBUTION.—In the interest of
4 national security, the Secretary of Health and
5 Human Services, in consultation with the Secretary
6 of Homeland Security, may determine the time,
7 manner, and form in which the guidance documents
8 issued under paragraph (1) are made public, includ-
9 ing by releasing such documents to targeted audi-
10 ences.

11 (c) PERIODIC REVIEW.—The Secretary of Health and
12 Human Services shall periodically review and, as appro-
13 priate, update the regulations under section 420(b) of the
14 Federal Food, Drug, and Cosmetic Act, as added by sub-
15 section (a), and the guidance documents under subsection
16 (b).

17 (d) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331
18 et seq.), as amended by section 6105, is amended by add-
19 ing at the end the following:

20 “(ww) The failure to comply with section 420.”.

21 **SEC. 6107. AUTHORITY TO COLLECT FEES.**

22 (a) FEES FOR REINSPECTION, RECALL, AND IMPOR-
23 TATION ACTIVITIES.—Subchapter C of chapter VII (21
24 U.S.C. 379f et seq.) is amended by adding at the end the
25 following:

1 **“PART 6—FEES RELATED TO FOOD**

2 **“SEC. 743. AUTHORITY TO COLLECT AND USE FEES.**

3 “(a) IN GENERAL.—

4 “(1) PURPOSE AND AUTHORITY.—For fiscal
5 year 2010 and each subsequent fiscal year, the Sec-
6 retary shall, in accordance with this section, assess
7 and collect fees from—

8 “(A) the responsible party for each domes-
9 tic facility (as defined in section 415(b)) and
10 the United States agent for each foreign facility
11 subject to a reinspection in such fiscal year, to
12 cover reinspection-related costs for such year;

13 “(B) the responsible party for a domestic
14 facility (as defined in section 415(b)) and an
15 importer who does not comply with a recall
16 order under section 423 or under section 412(f)
17 in such fiscal year, to cover food recall activities
18 associated with such order performed by the
19 Secretary, including technical assistance, follow-
20 up effectiveness checks, and public notifications,
21 for such year;

22 “(C) each importer participating in the
23 voluntary qualified importer program under sec-
24 tion 806 in such year, to cover the administra-
25 tive costs of such program for such year; and

1 “(D) each importer subject to a reinspec-
2 tion in such fiscal year, to cover reinspection-re-
3 lated costs for such year.

4 “(2) DEFINITIONS.—For purposes of this sec-
5 tion—

6 “(A) the term ‘reinspection’ means—

7 “(i) with respect to domestic facilities
8 (as defined in section 415(b)), 1 or more
9 inspections conducted under section 704
10 subsequent to an inspection conducted
11 under such provision which identified non-
12 compliance materially related to a food
13 safety requirement of this Act, specifically
14 to determine whether compliance has been
15 achieved to the Secretary’s satisfaction;
16 and

17 “(ii) with respect to importers, 1 or
18 more examinations conducted under sec-
19 tion 801 subsequent to an examination
20 conducted under such provision which
21 identified noncompliance materially related
22 to a food safety requirement of this Act,
23 specifically to determine whether compli-
24 ance has been achieved to the Secretary’s
25 satisfaction;

1 “(B) the term ‘reinspection-related costs’
2 means all expenses, including administrative ex-
3 penses, incurred in connection with—

4 “(i) arranging, conducting, and evalu-
5 ating the results of reinspections; and

6 “(ii) assessing and collecting reinspec-
7 tion fees under this section; and

8 “(C) the term ‘responsible party’ has the
9 meaning given such term in section 417(a)(1).

10 “(b) ESTABLISHMENT OF FEES.—

11 “(1) IN GENERAL.—Subject to subsections (c)
12 and (d), the Secretary shall establish the fees to be
13 collected under this section for each fiscal year speci-
14 fied in subsection (a)(1), based on the methodology
15 described under paragraph (2), and shall publish
16 such fees in a Federal Register notice not later than
17 60 days before the start of each such year.

18 “(2) FEE METHODOLOGY.—

19 “(A) FEES.—Fees amounts established for
20 collection—

21 “(i) under subparagraph (A) of sub-
22 section (a)(1) for a fiscal year shall be
23 based on the Secretary’s estimate of 100
24 percent of the costs of the reinspection-re-
25 lated activities (including by type or level

1 of reinspection activity, as the Secretary
2 determines applicable) described in such
3 subparagraph (A) for such year;

4 “(ii) under subparagraph (B) of sub-
5 section (a)(1) for a fiscal year shall be
6 based on the Secretary’s estimate of 100
7 percent of the costs of the activities de-
8 scribed in such subparagraph (B) for such
9 year;

10 “(iii) under subparagraph (C) of sub-
11 section (a)(1) for a fiscal year shall be
12 based on the Secretary’s estimate of 100
13 percent of the costs of the activities de-
14 scribed in such subparagraph (C) for such
15 year; and

16 “(iv) under subparagraph (D) of sub-
17 section (a)(1) for a fiscal year shall be
18 based on the Secretary’s estimate of 100
19 percent of the costs of the activities de-
20 scribed in such subparagraph (D) for such
21 year.

22 “(B) OTHER CONSIDERATIONS.—

23 “(i) VOLUNTARY QUALIFIED IM-
24 PORTER PROGRAM.—In establishing the fee
25 amounts under subparagraph (A)(iii) for a

1 fiscal year, the Secretary shall provide for
2 the number of importers who have sub-
3 mitted to the Secretary a notice under sec-
4 tion 806(c) informing the Secretary of the
5 intent of such importer to participate in
6 the program under section 806 in such fis-
7 cal year.

8 “(ii) CREDITING OF FEES.—In estab-
9 lishing the fee amounts under subpara-
10 graph (A) for a fiscal year, the Secretary
11 shall provide for the crediting of fees from
12 the previous year to the next year if the
13 Secretary overestimated the amount of fees
14 needed to carry out such activities, and
15 consider the need to account for any ad-
16 justment of fees and such other factors as
17 the Secretary determines appropriate.

18 “(iii) PUBLISHED GUIDELINES.—Not
19 later than 180 days after the date of en-
20 actment of the FDA Food Safety Mod-
21 ernization Act, the Secretary shall publish
22 in the Federal Register a proposed set of
23 guidelines in consideration of the burden of
24 fee amounts on small business. Such con-
25 sideration may include reduced fee

1 amounts for small businesses. The Sec-
2 retary shall provide for a period of public
3 comment on such guidelines. The Secretary
4 shall adjust the fee schedule for small busi-
5 nesses subject to such fees only through
6 notice and comment rulemaking.

7 “(3) USE OF FEES.—The Secretary shall make
8 all of the fees collected pursuant to clause (i), (ii),
9 (iii), and (iv) of paragraph (2)(A) available solely to
10 pay for the costs referred to in such clause (i), (ii),
11 (iii), and (iv) of paragraph (2)(A), respectively.

12 “(c) LIMITATIONS.—

13 “(1) IN GENERAL.—Fees under subsection (a)
14 shall be refunded for a fiscal year beginning after
15 fiscal year 2010 unless the amount of the total ap-
16 propriations for food safety activities at the Food
17 and Drug Administration for such fiscal year (ex-
18 cluding the amount of fees appropriated for such fis-
19 cal year) is equal to or greater than the amount of
20 appropriations for food safety activities at the Food
21 and Drug Administration for fiscal year 2009 (ex-
22 cluding the amount of fees appropriated for such fis-
23 cal year), multiplied by the adjustment factor under
24 paragraph (3).

25 “(2) AUTHORITY.—If—

1 “(A) the Secretary does not assess fees
2 under subsection (a) for a portion of a fiscal
3 year because paragraph (1) applies; and

4 “(B) at a later date in such fiscal year,
5 such paragraph (1) ceases to apply,

6 the Secretary may assess and collect such fees under
7 subsection (a), without any modification to the rate
8 of such fees, notwithstanding the provisions of sub-
9 section (a) relating to the date fees are to be paid.

10 “(3) ADJUSTMENT FACTOR.—

11 “(A) IN GENERAL.—The adjustment factor
12 described in paragraph (1) shall be the total
13 percentage change that occurred in the Con-
14 sumer Price Index for all urban consumers (all
15 items; United States city average) for the 12-
16 month period ending June 30 preceding the fis-
17 cal year, but in no case shall such adjustment
18 factor be negative.

19 “(B) COMPOUNDED BASIS.—The adjust-
20 ment under subparagraph (A) made each fiscal
21 year shall be added on a compounded basis to
22 the sum of all adjustments made each fiscal
23 year after fiscal year 2009.

24 “(4) LIMITATION ON AMOUNT OF CERTAIN
25 FEES.—

1 “(A) IN GENERAL.—Notwithstanding any
2 other provision of this section and subject to
3 subparagraph (B), the Secretary may not col-
4 lect fees in a fiscal year such that the amount
5 collected—

6 “(i) under subparagraph (B) of sub-
7 section (a)(1) exceeds \$20,000,000; and

8 “(ii) under subparagraphs (A) and
9 (D) of subsection (a)(1) exceeds
10 \$25,000,000 combined.

11 “(B) EXCEPTION.—If a domestic facility
12 (as defined in section 415(b)) or an importer
13 becomes subject to a fee described in subpara-
14 graph (A), (B), or (D) of subsection (a)(1)
15 after the maximum amount of fees has been
16 collected by the Secretary under subparagraph
17 (A), the Secretary may collect a fee from such
18 facility or importer.

19 “(d) CREDITING AND AVAILABILITY OF FEES.—Fees
20 authorized under subsection (a) shall be collected and
21 available for obligation only to the extent and in the
22 amount provided in appropriations Acts. Such fees are au-
23 thorized to remain available until expended. Such sums
24 as may be necessary may be transferred from the Food
25 and Drug Administration salaries and expenses account

1 without fiscal year limitation to such appropriation ac-
2 count for salaries and expenses with such fiscal year limi-
3 tation. The sums transferred shall be available solely for
4 the purpose of paying the operating expenses of the Food
5 and Drug Administration employees and contractors per-
6 forming activities associated with these food safety fees.

7 “(e) COLLECTION OF FEES.—

8 “(1) IN GENERAL.—The Secretary shall specify
9 in the Federal Register notice described in sub-
10 section (b)(1) the time and manner in which fees as-
11 sessed under this section shall be collected.

12 “(2) COLLECTION OF UNPAID FEES.—In any
13 case where the Secretary does not receive payment
14 of a fee assessed under this section within 30 days
15 after it is due, such fee shall be treated as a claim
16 of the United States Government subject to provi-
17 sions of subchapter II of chapter 37 of title 31,
18 United States Code.

19 “(f) ANNUAL REPORT TO CONGRESS.—Not later
20 than 120 days after each fiscal year for which fees are
21 assessed under this section, the Secretary shall submit a
22 report to the Committee on Health, Education, Labor, and
23 Pensions of the Senate and the Committee on Energy and
24 Commerce of the House of Representatives, to include a
25 description of fees assessed and collected for each such

1 year and a summary description of the entities paying
2 such fees and the types of business in which such entities
3 engage.

4 “(g) AUTHORIZATION OF APPROPRIATIONS.—For fis-
5 cal year 2010 and each fiscal year thereafter, there is au-
6 thorized to be appropriated for fees under this section an
7 amount equal to the total revenue amount determined
8 under subsection (b) for the fiscal year, as adjusted or
9 otherwise affected under the other provisions of this sec-
10 tion.”.

11 (b) EXPORT CERTIFICATION FEES FOR FOODS AND
12 ANIMAL FEED.—

13 (1) AUTHORITY FOR EXPORT CERTIFICATIONS
14 FOR FOOD, INCLUDING ANIMAL FEED.—Section
15 801(e)(4)(A) (21 U.S.C. 381(e)(4)(A)) is amend-
16 ed—

17 (A) in the matter preceding clause (i), by
18 striking “a drug” and inserting “a food, drug”;

19 (B) in clause (i) by striking “exported
20 drug” and inserting “exported food, drug”; and

21 (C) in clause (ii) by striking “the drug”
22 each place it appears and inserting “the food,
23 drug”.

24 (2) CLARIFICATION OF CERTIFICATION.—Sec-
25 tion 801(e)(4) (21 U.S.C. 381(e)(4)) is amended by

1 inserting after subparagraph (B) the following new
2 subparagraph:

3 “(C) For purposes of this paragraph, a certification
4 by the Secretary shall be made on such basis, and in such
5 form (including a publicly available listing) as the Sec-
6 retary determines appropriate.”.

7 (3) LIMITATIONS ON USE AND AMOUNT OF
8 FEES.—Paragraph (4) of section 801(e) (21 U.S.C.
9 381(e)) is amended by adding at the end the fol-
10 lowing:

11 “(D) With regard to fees pursuant to subparagraph
12 (B) in connection with written export certifications for
13 food:

14 “(i) Such fees shall be collected and available
15 solely for the costs of the Food and Drug Adminis-
16 tration associated with issuing such certifications.

17 “(ii) Such fees may not be retained in an
18 amount that exceeds such costs.”.

19 **SEC. 6108. NATIONAL AGRICULTURE AND FOOD DEFENSE**
20 **STRATEGY.**

21 (a) DEVELOPMENT AND SUBMISSION OF STRAT-
22 EGY.—

23 (1) IN GENERAL.—Not later than 1 year after
24 the date of enactment of this Act, the Secretary of
25 Health and Human Services and the Secretary of

1 Agriculture, in coordination with the Secretary of
2 Homeland Security, shall prepare and transmit to
3 the relevant committees of Congress, and make pub-
4 licly available on the Internet Web sites of the De-
5 partment of Health and Human Services and the
6 Department of Agriculture, the National Agriculture
7 and Food Defense Strategy.

8 (2) IMPLEMENTATION PLAN.—The strategy
9 shall include an implementation plan for use by the
10 Secretaries described under paragraph (1) in car-
11 rying out the strategy.

12 (3) RESEARCH.—The strategy shall include a
13 coordinated research agenda for use by the Secre-
14 taries described under paragraph (1) in conducting
15 research to support the goals and activities described
16 in paragraphs (1) and (2) of subsection (b).

17 (4) REVISIONS.—Not later than 4 years after
18 the date on which the strategy is submitted to the
19 relevant committees of Congress under paragraph
20 (1), and not less frequently than every 4 years there-
21 after, the Secretary of Health and Human Services
22 and the Secretary of Agriculture, in coordination
23 with the Secretary of Homeland Security, shall re-
24 vise and submit to the relevant committees of Con-
25 gress the strategy.

1 (5) CONSISTENCY WITH EXISTING PLANS.—The
2 strategy described in paragraph (1) shall be con-
3 sistent with—

4 (A) the National Incident Management
5 System;

6 (B) the National Response Framework;

7 (C) the National Infrastructure Protection
8 Plan;

9 (D) the National Preparedness Goals; and

10 (E) other relevant national strategies.

11 (b) COMPONENTS.—

12 (1) IN GENERAL.—The strategy shall include a
13 description of the process to be used by the Depart-
14 ment of Health and Human Services, the Depart-
15 ment of Agriculture, and the Department of Home-
16 land Security—

17 (A) to achieve each goal described in para-
18 graph (2); and

19 (B) to evaluate the progress made by Fed-
20 eral, State, local, and tribal governments to-
21 wards the achievement of each goal described in
22 paragraph (2).

23 (2) GOALS.—The strategy shall include a de-
24 scription of the process to be used by the Depart-
25 ment of Health and Human Services, the Depart-

1 ment of Agriculture, and the Department of Home-
2 land Security to achieve the following goals:

3 (A) PREPAREDNESS GOAL.—Enhance the
4 preparedness of the agriculture and food system
5 by—

6 (i) conducting vulnerability assess-
7 ments of the agriculture and food system;

8 (ii) mitigating vulnerabilities of the
9 system;

10 (iii) improving communication and
11 training relating to the system;

12 (iv) developing and conducting exer-
13 cises to test decontamination and disposal
14 plans;

15 (v) developing modeling tools to im-
16 prove event consequence assessment and
17 decision support; and

18 (vi) preparing risk communication
19 tools and enhancing public awareness
20 through outreach.

21 (B) DETECTION GOAL.—Improve agri-
22 culture and food system detection capabilities
23 by—

24 (i) identifying contamination in food
25 products at the earliest possible time; and

1 (ii) conducting surveillance to prevent
2 the spread of diseases.

3 (C) EMERGENCY RESPONSE GOAL.—En-
4 sure an efficient response to agriculture and
5 food emergencies by—

6 (i) immediately investigating animal
7 disease outbreaks and suspected food con-
8 tamination;

9 (ii) preventing additional human ill-
10 nesses;

11 (iii) organizing, training, and equip-
12 ping animal, plant, and food emergency re-
13 sponse teams of—

14 (I) the Federal Government; and

15 (II) State, local, and tribal gov-
16 ernments;

17 (iv) designing, developing, and evalu-
18 ating training and exercises carried out
19 under agriculture and food defense plans;
20 and

21 (v) ensuring consistent and organized
22 risk communication to the public by—

23 (I) the Federal Government;

24 (II) State, local, and tribal gov-
25 ernments; and

1 (III) the private sector.

2 (D) RECOVERY GOAL.—Secure agriculture
3 and food production after an agriculture or food
4 emergency by—

5 (i) working with the private sector to
6 develop business recovery plans to rapidly
7 resume agriculture, food production, and
8 international trade;

9 (ii) conducting exercises of the plans
10 described in subparagraph (C) with the
11 goal of long-term recovery results;

12 (iii) rapidly removing, and effectively
13 disposing of—

14 (I) contaminated agriculture and
15 food products; and

16 (II) infected plants and animals;
17 and

18 (iv) decontaminating and restoring
19 areas affected by an agriculture or food
20 emergency.

21 (3) EVALUATION.—The Secretary, in coordina-
22 tion with the Secretary of Agriculture and the Sec-
23 retary of Homeland Security, shall—

1 (A) develop metrics to measure progress
2 for the evaluation process described in para-
3 graph (1)(B); and

4 (B) report on the progress measured in
5 subparagraph (A) as part of the National Agri-
6 culture and Food Defense strategy described in
7 subsection (a)(1).

8 (c) LIMITED DISTRIBUTION.—In the interest of na-
9 tional security, the Secretary of Health and Human Serv-
10 ices and the Secretary of Agriculture, in coordination with
11 the Secretary of Homeland Security, may determine the
12 manner and format in which the National Agriculture and
13 Food Defense strategy established under this section is
14 made publicly available on the Internet Web sites of the
15 Department of Health and Human Services, the Depart-
16 ment of Homeland Security, and the Department of Agri-
17 culture, as described in subsection (a)(1).

18 **SEC. 6109. FOOD AND AGRICULTURE COORDINATING COUN-**

19 **CILS.**

20 The Secretary of Homeland Security, in coordination
21 with the Secretary of Health and Human Services and the
22 Secretary of Agriculture, shall within 180 days of enact-
23 ment of this Act, and annually thereafter, submit to the
24 relevant committees of Congress, and make publicly avail-
25 able on the Internet Web site of the Department of Home-

1 land Security, a report on the activities of the Food and
2 Agriculture Government Coordinating Council and the
3 Food and Agriculture Sector Coordinating Council, includ-
4 ing the progress of such Councils on—

5 (1) facilitating partnerships between public and
6 private entities to help coordinate and enhance the
7 protection of the agriculture and food system of the
8 United States;

9 (2) providing for the regular and timely inter-
10 change of information between each council relating
11 to the security of the agriculture and food system
12 (including intelligence information);

13 (3) identifying best practices and methods for
14 improving the coordination among Federal, State,
15 local, and private sector preparedness and response
16 plans for agriculture and food defense; and

17 (4) recommending methods by which to protect
18 the economy and the public health of the United
19 States from the effects of—

20 (A) animal or plant disease outbreaks;

21 (B) food contamination; and

22 (C) natural disasters affecting agriculture
23 and food.

24 **SEC. 6110. BUILDING DOMESTIC CAPACITY.**

25 (a) IN GENERAL.—

1 (1) INITIAL REPORT.—The Secretary, in coordi-
2 nation with the Secretary of Agriculture and the
3 Secretary of Homeland Security, shall, not later
4 than 2 years after the date of enactment of this Act,
5 submit to Congress a comprehensive report that
6 identifies programs and practices that are intended
7 to promote the safety and supply chain security of
8 food and to prevent outbreaks of foodborne illness
9 and other food-related hazards that can be ad-
10 dressed through preventive activities. Such report
11 shall include a description of the following:

12 (A) Analysis of the need for further regula-
13 tions or guidance to industry.

14 (B) Outreach to food industry sectors, in-
15 cluding through the Food and Agriculture Co-
16 ordinating Councils referred to in section 6109,
17 to identify potential sources of emerging threats
18 to the safety and security of the food supply
19 and preventive strategies to address those
20 threats.

21 (C) Systems to ensure the prompt distribu-
22 tion to the food industry of information and
23 technical assistance concerning preventive strat-
24 egies.

1 (D) Communication systems to ensure that
2 information about specific threats to the safety
3 and security of the food supply are rapidly and
4 effectively disseminated.

5 (E) Surveillance systems and laboratory
6 networks to rapidly detect and respond to
7 foodborne illness outbreaks and other food-re-
8 lated hazards, including how such systems and
9 networks are integrated.

10 (F) Outreach, education, and training pro-
11 vided to States and local governments to build
12 State and local food safety and food defense ca-
13 pabilities, including progress implementing
14 strategies developed under sections 6108 and
15 6205.

16 (G) The estimated resources needed to ef-
17 fectively implement the programs and practices
18 identified in the report developed in this section
19 over a 5-year period.

20 (H) The impact of requirements under this
21 Act (including amendments made by this Act)
22 on certified organic farms and facilities (as de-
23 fined in section 415 of the Federal Food, Drug,
24 and Cosmetic Act (21 U.S.C. 350d)).

1 (I) Specific efforts taken pursuant to the
2 agreements authorized under section 421(c) of
3 the Federal Food, Drug, and Cosmetic Act (as
4 added by section 6201), together with, as nec-
5 essary, a description of any additional authori-
6 ties necessary to improve seafood safety.

7 (2) BIENNIAL REPORTS.—On a biennial basis
8 following the submission of the report under para-
9 graph (1), the Secretary shall submit to Congress a
10 report that—

11 (A) reviews previous food safety programs
12 and practices;

13 (B) outlines the success of those programs
14 and practices;

15 (C) identifies future programs and prac-
16 tices; and

17 (D) includes information related to any
18 matter described in subparagraphs (A) through
19 (H) of paragraph (1), as necessary.

20 (b) RISK-BASED ACTIVITIES.—The report developed
21 under subsection (a)(1) shall describe methods that seek
22 to ensure that resources available to the Secretary for food
23 safety-related activities are directed at those actions most
24 likely to reduce risks from food, including the use of pre-
25 ventive strategies and allocation of inspection resources.

1 The Secretary shall promptly undertake those risk-based
2 actions that are identified during the development of the
3 report as likely to contribute to the safety and security
4 of the food supply.

5 (c) CAPABILITY FOR LABORATORY ANALYSES; RE-
6 SEARCH.—The report developed under subsection (a)(1)
7 shall provide a description of methods to increase capacity
8 to undertake analyses of food samples promptly after col-
9 lection, to identify new and rapid analytical techniques,
10 including commercially available techniques that can be
11 employed at ports of entry and by Food Emergency Re-
12 sponse Network laboratories, and to provide for well-
13 equipped and staffed laboratory facilities and progress to-
14 ward laboratory accreditation under section 422 of the
15 Federal Food, Drug, and Cosmetic Act (as added by sec-
16 tion 6202).

17 (d) INFORMATION TECHNOLOGY.—The report devel-
18 oped under subsection (a)(1) shall include a description
19 of such information technology systems as may be needed
20 to identify risks and receive data from multiple sources,
21 including foreign governments, State, local, and tribal gov-
22 ernments, other Federal agencies, the food industry, lab-
23 oratories, laboratory networks, and consumers. The infor-
24 mation technology systems that the Secretary describes
25 shall also provide for the integration of the facility reg-

1 istration system under section 415 of the Federal Food,
2 Drug, and Cosmetic Act (21 U.S.C. 350d), and the prior
3 notice system under section 801(m) of such Act (21
4 U.S.C. 381(m)) with other information technology systems
5 that are used by the Federal Government for the proc-
6 essing of food offered for import into the United States.

7 (e) AUTOMATED RISK ASSESSMENT.—The report de-
8 veloped under subsection (a)(1) shall include a description
9 of progress toward developing and improving an auto-
10 mated risk assessment system for food safety surveillance
11 and allocation of resources.

12 (f) TRACEBACK AND SURVEILLANCE REPORT.—The
13 Secretary shall include in the report developed under sub-
14 section (a)(1) an analysis of the Food and Drug Adminis-
15 tration’s performance in foodborne illness outbreaks dur-
16 ing the 5-year period preceding the date of enactment of
17 this Act involving fruits and vegetables that are raw agri-
18 cultural commodities (as defined in section 6201(r) (21
19 U.S.C. 321(r)) and recommendations for enhanced sur-
20 veillance, outbreak response, and traceability. Such find-
21 ings and recommendations shall address communication
22 and coordination with the public, industry, and State and
23 local governments, as such communication and coordina-
24 tion relates to outbreak identification and traceback.

1 (g) BIENNIAL FOOD SAFETY AND FOOD DEFENSE
2 RESEARCH PLAN.—The Secretary, the Secretary of Agri-
3 culture, and the Secretary of Homeland Security shall, on
4 a biennial basis, submit to Congress a joint food safety
5 and food defense research plan which may include study-
6 ing the long-term health effects of foodborne illness. Such
7 biennial plan shall include a list and description of projects
8 conducted during the previous 2-year period and the plan
9 for projects to be conducted during the subsequent 2-year
10 period.

11 (h) EFFECTIVENESS OF PROGRAMS ADMINISTERED
12 BY THE DEPARTMENT OF HEALTH AND HUMAN SERV-
13 ICES.—

14 (1) IN GENERAL.—To determine whether exist-
15 ing Federal programs administered by the Depart-
16 ment of Health and Human Services are effective in
17 achieving the stated goals of such programs, the
18 Secretary shall, beginning not later than 1 year after
19 the date of enactment of this Act—

20 (A) conduct an annual evaluation of each
21 program of such Department to determine the
22 effectiveness of each such program in achieving
23 legislated intent, purposes, and objectives; and

24 (B) submit to Congress a report con-
25 cerning such evaluation.

1 (2) CONTENT.—The report described under
2 paragraph (1)(B) shall—

3 (A) include conclusions concerning the rea-
4 sons that such existing programs have proven
5 successful or not successful and what factors
6 contributed to such conclusions;

7 (B) include recommendations for consoli-
8 dation and elimination to reduce duplication
9 and inefficiencies in such programs at such De-
10 partment as identified during the evaluation
11 conduct under this subsection; and

12 (C) be made publicly available in a publica-
13 tion entitled “Guide to the U.S. Department of
14 Health and Human Services Programs”.

15 (i) UNIQUE IDENTIFICATION NUMBERS.—

16 (1) IN GENERAL.—Not later than 1 year after
17 the date of enactment of this Act, the Secretary, act-
18 ing through the Commissioner of Food and Drugs,
19 shall conduct a study regarding the need for, and
20 challenges associated with, development and imple-
21 mentation of a program that requires a unique iden-
22 tification number for each food facility registered
23 with the Secretary and, as appropriate, each broker
24 that imports food into the United States. Such study
25 shall include an evaluation of the costs associated

1 with development and implementation of such a sys-
2 tem, and make recommendations about what new
3 authorities, if any, would be necessary to develop
4 and implement such a system.

5 (2) REPORT.—Not later than 15 months after
6 the date of enactment of this Act, the Secretary
7 shall submit to Congress a report that describes the
8 findings of the study conducted under paragraph (1)
9 and that includes any recommendations determined
10 appropriate by the Secretary.

11 **SEC. 6111. SANITARY TRANSPORTATION OF FOOD.**

12 (a) IN GENERAL.—Not later than 18 months after
13 the date of enactment of this Act, the Secretary shall pro-
14 mulgate regulations described in section 416(b) of the
15 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
16 350e(b)).

17 (b) FOOD TRANSPORTATION STUDY.—The Secretary,
18 acting through the Commissioner of Food and Drugs,
19 shall conduct a study of the transportation of food for con-
20 sumption in the United States, including transportation
21 by air, that includes an examination of the unique needs
22 of rural and frontier areas with regard to the delivery of
23 safe food.

1 **SEC. 6112. FOOD ALLERGY AND ANAPHYLAXIS MANAGE-**
2 **MENT.**

3 (a) DEFINITIONS.—In this section:

4 (1) EARLY CHILDHOOD EDUCATION PRO-
5 GRAM.—The term “early childhood education pro-
6 gram” means—

7 (A) a Head Start program or an Early
8 Head Start program carried out under the
9 Head Start Act (42 U.S.C. 9831 et seq.);

10 (B) a State licensed or regulated child care
11 program or school; or

12 (C) a State prekindergarten program that
13 serves children from birth through kinder-
14 garten.

15 (2) ESEA DEFINITIONS.—The terms “local
16 educational agency”, “secondary school”, “elemen-
17 tary school”, and “parent” have the meanings given
18 the terms in section 9101 of the Elementary and
19 Secondary Education Act of 1965 (20 U.S.C. 7801).

20 (3) SCHOOL.—The term “school” includes pub-
21 lic—

22 (A) kindergartens;

23 (B) elementary schools; and

24 (C) secondary schools.

25 (4) SECRETARY.—The term “Secretary” means
26 the Secretary of Health and Human Services.

1 (b) ESTABLISHMENT OF VOLUNTARY FOOD AL-
2 LERGY AND ANAPHYLAXIS MANAGEMENT GUIDELINES.—

3 (1) ESTABLISHMENT.—

4 (A) IN GENERAL.—Not later than 1 year
5 after the date of enactment of this Act, the Sec-
6 retary, in consultation with the Secretary of
7 Education, shall—

8 (i) develop guidelines to be used on a
9 voluntary basis to develop plans for indi-
10 viduals to manage the risk of food allergy
11 and anaphylaxis in schools and early child-
12 hood education programs; and

13 (ii) make such guidelines available to
14 local educational agencies, schools, early
15 childhood education programs, and other
16 interested entities and individuals to be im-
17 plemented on a voluntary basis only.

18 (B) APPLICABILITY OF FERPA.—Each plan
19 described in subparagraph (A) that is developed
20 for an individual shall be considered an edu-
21 cation record for the purpose of section 444 of
22 the General Education Provisions Act (com-
23 monly referred to as the “Family Educational
24 Rights and Privacy Act of 1974”) (20 U.S.C.
25 1232g).

1 (2) CONTENTS.—The voluntary guidelines de-
2 veloped by the Secretary under paragraph (1) shall
3 address each of the following and may be updated
4 as the Secretary determines necessary:

5 (A) Parental obligation to provide the
6 school or early childhood education program,
7 prior to the start of every school year, with—

8 (i) documentation from their child’s
9 physician or nurse—

10 (I) supporting a diagnosis of food
11 allergy, and any risk of anaphylaxis, if
12 applicable;

13 (II) identifying any food to which
14 the child is allergic;

15 (III) describing, if appropriate,
16 any prior history of anaphylaxis;

17 (IV) listing any medication pre-
18 scribed for the child for the treatment
19 of anaphylaxis;

20 (V) detailing emergency treat-
21 ment procedures in the event of a re-
22 action;

23 (VI) listing the signs and symp-
24 toms of a reaction; and

1 (VII) assessing the child's readi-
2 ness for self-administration of pre-
3 scription medication; and

4 (ii) a list of substitute meals that may
5 be offered to the child by school or early
6 childhood education program food service
7 personnel.

8 (B) The creation and maintenance of an
9 individual plan for food allergy management, in
10 consultation with the parent, tailored to the
11 needs of each child with a documented risk for
12 anaphylaxis, including any procedures for the
13 self-administration of medication by such chil-
14 dren in instances where—

15 (i) the children are capable of self-ad-
16 ministering medication; and

17 (ii) such administration is not prohib-
18 ited by State law.

19 (C) Communication strategies between in-
20 dividual schools or early childhood education
21 programs and providers of emergency medical
22 services, including appropriate instructions for
23 emergency medical response.

24 (D) Strategies to reduce the risk of expo-
25 sure to anaphylactic causative agents in class-

1 rooms and common school or early childhood
2 education program areas such as cafeterias.

3 (E) The dissemination of general informa-
4 tion on life-threatening food allergies to school
5 or early childhood education program staff, par-
6 ents, and children.

7 (F) Food allergy management training of
8 school or early childhood education program
9 personnel who regularly come into contact with
10 children with life-threatening food allergies.

11 (G) The authorization and training of
12 school or early childhood education program
13 personnel to administer epinephrine when the
14 nurse is not immediately available.

15 (H) The timely accessibility of epinephrine
16 by school or early childhood education program
17 personnel when the nurse is not immediately
18 available.

19 (I) The creation of a plan contained in
20 each individual plan for food allergy manage-
21 ment that addresses the appropriate response to
22 an incident of anaphylaxis of a child while such
23 child is engaged in extracurricular programs of
24 a school or early childhood education program,
25 such as nonacademic outings and field trips,

1 before- and after-school programs or before-
2 and after-early child education program pro-
3 grams, and school-sponsored or early childhood
4 education program-sponsored programs held on
5 weekends.

6 (J) Maintenance of information for each
7 administration of epinephrine to a child at risk
8 for anaphylaxis and prompt notification to par-
9 ents.

10 (K) Other elements the Secretary deter-
11 mines necessary for the management of food al-
12 lergies and anaphylaxis in schools and early
13 childhood education programs.

14 (3) RELATION TO STATE LAW.—Nothing in this
15 section or the guidelines developed by the Secretary
16 under paragraph (1) shall be construed to preempt
17 State law, including any State law regarding wheth-
18 er students at risk for anaphylaxis may self-admin-
19 ister medication.

20 (c) SCHOOL-BASED FOOD ALLERGY MANAGEMENT
21 GRANTS.—

22 (1) IN GENERAL.—The Secretary may award
23 grants to local educational agencies to assist such
24 agencies with implementing voluntary food allergy

1 and anaphylaxis management guidelines described in
2 subsection (b).

3 (2) APPLICATION.—

4 (A) IN GENERAL.—To be eligible to receive
5 a grant under this subsection, a local edu-
6 cational agency shall submit an application to
7 the Secretary at such time, in such manner,
8 and including such information as the Secretary
9 may reasonably require.

10 (B) CONTENTS.—Each application sub-
11 mitted under subparagraph (A) shall include—

12 (i) an assurance that the local edu-
13 cational agency has developed plans in ac-
14 cordance with the food allergy and anaphy-
15 laxis management guidelines described in
16 subsection (b);

17 (ii) a description of the activities to be
18 funded by the grant in carrying out the
19 food allergy and anaphylaxis management
20 guidelines, including—

21 (I) how the guidelines will be car-
22 ried out at individual schools served
23 by the local educational agency;

1 (II) how the local educational
2 agency will inform parents and stu-
3 dents of the guidelines in place;

4 (III) how school nurses, teachers,
5 administrators, and other school-based
6 staff will be made aware of, and given
7 training on, when applicable, the
8 guidelines in place; and

9 (IV) any other activities that the
10 Secretary determines appropriate;

11 (iii) an itemization of how grant funds
12 received under this subsection will be ex-
13 pended;

14 (iv) a description of how adoption of
15 the guidelines and implementation of grant
16 activities will be monitored; and

17 (v) an agreement by the local edu-
18 cational agency to report information re-
19 quired by the Secretary to conduct evalua-
20 tions under this subsection.

21 (3) USE OF FUNDS.—Each local educational
22 agency that receives a grant under this subsection
23 may use the grant funds for the following:

24 (A) Purchase of materials and supplies, in-
25 cluding limited medical supplies such as epi-

1 nephrine and disposable wet wipes, to support
2 carrying out the food allergy and anaphylaxis
3 management guidelines described in subsection
4 (b).

5 (B) In partnership with local health de-
6 partments, school nurse, teacher, and personnel
7 training for food allergy management.

8 (C) Programs that educate students as to
9 the presence of, and policies and procedures in
10 place related to, food allergies and anaphylactic
11 shock.

12 (D) Outreach to parents.

13 (E) Any other activities consistent with the
14 guidelines described in subsection (b).

15 (4) DURATION OF AWARDS.—The Secretary
16 may award grants under this subsection for a period
17 of not more than 2 years. In the event the Secretary
18 conducts a program evaluation under this sub-
19 section, funding in the second year of the grant,
20 where applicable, shall be contingent on a successful
21 program evaluation by the Secretary after the first
22 year.

23 (5) LIMITATION ON GRANT FUNDING.—The
24 Secretary may not provide grant funding to a local
25 educational agency under this subsection after such

1 local educational agency has received 2 years of
2 grant funding under this subsection.

3 (6) MAXIMUM AMOUNT OF ANNUAL AWARDS.—

4 A grant awarded under this subsection may not be
5 made in an amount that is more than \$50,000 an-
6 nually.

7 (7) PRIORITY.—In awarding grants under this
8 subsection, the Secretary shall give priority to local
9 educational agencies with the highest percentages of
10 children who are counted under section 1124(c) of
11 the Elementary and Secondary Education Act of
12 1965 (20 U.S.C. 6333(c)).

13 (8) MATCHING FUNDS.—

14 (A) IN GENERAL.—The Secretary may not
15 award a grant under this subsection unless the
16 local educational agency agrees that, with re-
17 spect to the costs to be incurred by such local
18 educational agency in carrying out the grant ac-
19 tivities, the local educational agency shall make
20 available (directly or through donations from
21 public or private entities) non-Federal funds to-
22 ward such costs in an amount equal to not less
23 than 25 percent of the amount of the grant.

24 (B) DETERMINATION OF AMOUNT OF NON-
25 FEDERAL CONTRIBUTION.—Non-Federal funds

1 required under subparagraph (A) may be cash
2 or in kind, including plant, equipment, or serv-
3 ices. Amounts provided by the Federal Govern-
4 ment, and any portion of any service subsidized
5 by the Federal Government, may not be in-
6 cluded in determining the amount of such non-
7 Federal funds.

8 (9) ADMINISTRATIVE FUNDS.—A local edu-
9 cational agency that receives a grant under this sub-
10 section may use not more than 2 percent of the
11 grant amount for administrative costs related to car-
12 rying out this subsection.

13 (10) PROGRESS AND EVALUATIONS.—At the
14 completion of the grant period referred to in para-
15 graph (4), a local educational agency shall provide
16 the Secretary with information on how grant funds
17 were spent and the status of implementation of the
18 food allergy and anaphylaxis management guidelines
19 described in subsection (b).

20 (11) SUPPLEMENT, NOT SUPPLANT.—Grant
21 funds received under this subsection shall be used to
22 supplement, and not supplant, non-Federal funds
23 and any other Federal funds available to carry out
24 the activities described in this subsection.

1 (12) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to carry out
3 this subsection \$30,000,000 for fiscal year 2011 and
4 such sums as may be necessary for each of the 4
5 succeeding fiscal years.

6 (d) VOLUNTARY NATURE OF GUIDELINES.—

7 (1) IN GENERAL.—The food allergy and ana-
8 phylaxis management guidelines developed by the
9 Secretary under subsection (b) are voluntary. Noth-
10 ing in this section or the guidelines developed by the
11 Secretary under subsection (b) shall be construed to
12 require a local educational agency to implement such
13 guidelines.

14 (2) EXCEPTION.—Notwithstanding paragraph
15 (1), the Secretary may enforce an agreement by a
16 local educational agency to implement food allergy
17 and anaphylaxis management guidelines as a condi-
18 tion of the receipt of a grant under subsection (c).

19 **SEC. 6113. NEW DIETARY INGREDIENTS.**

20 (a) IN GENERAL.—Section 413 of the Federal Food,
21 Drug, and Cosmetic Act (21 U.S.C. 350b) is amended—

22 (1) by redesignating subsection (c) as sub-
23 section (d); and

24 (2) by inserting after subsection (b) the fol-
25 lowing:

1 “(c) NOTIFICATION.—

2 “(1) IN GENERAL.—If the Secretary determines
3 that the information in a new dietary ingredient no-
4 tification submitted under this section for an article
5 purported to be a new dietary ingredient is inad-
6 equate to establish that a dietary supplement con-
7 taining such article will reasonably be expected to be
8 safe because the article may be, or may contain, an
9 anabolic steroid or an analogue of an anabolic ster-
10 oid, the Secretary shall notify the Drug Enforcement
11 Administration of such determination. Such notifica-
12 tion by the Secretary shall include, at a minimum,
13 the name of the dietary supplement or article, the
14 name of the person or persons who marketed the
15 product or made the submission of information re-
16 garding the article to the Secretary under this sec-
17 tion, and any contact information for such person or
18 persons that the Secretary has.

19 “(2) DEFINITIONS.—For purposes of this sub-
20 section—

21 “(A) the term ‘anabolic steroid’ has the
22 meaning given such term in section 102(41) of
23 the Controlled Substances Act; and

24 “(B) the term ‘analogue of an anabolic
25 steroid’ means a substance whose chemical

1 structure is substantially similar to the chem-
2 ical structure of an anabolic steroid.”.

3 (b) **GUIDANCE.**—Not later than 180 days after the
4 date of enactment of this Act, the Secretary shall publish
5 guidance that clarifies when a dietary supplement ingre-
6 dient is a new dietary ingredient, when the manufacturer
7 or distributor of a dietary ingredient or dietary supple-
8 ment should provide the Secretary with information as de-
9 scribed in section 413(a)(2) of the Federal Food, Drug,
10 and Cosmetic Act, the evidence needed to document the
11 safety of new dietary ingredients, and appropriate meth-
12 ods for establishing the identify of a new dietary ingre-
13 dient.

14 **SEC. 6114. REQUIREMENT FOR GUIDANCE RELATING TO**
15 **POST-HARVEST PROCESSING OF RAW OYS-**
16 **TERS.**

17 (a) **IN GENERAL.**—Not later than 90 days prior to
18 the issuance of any guidance, regulation, or suggested
19 amendment by the Food and Drug Administration to the
20 National Shellfish Sanitation Program’s Model Ordinance,
21 or the issuance of any guidance or regulation by the Food
22 and Drug Administration relating to the Seafood Hazard
23 Analysis Critical Control Points Program of the Food and
24 Drug Administration (parts 123 and 1240 of title 21,
25 Code of Federal Regulations (or any successor regula-

1 tions), where such guidance, regulation, or suggested
2 amendment relates to post-harvest processing for raw oys-
3 ters, the Secretary shall prepare and submit to the Com-
4 mittee on Health, Education, Labor, and Pensions of the
5 Senate and the Committee on Energy and Commerce of
6 the House of Representatives a report which shall in-
7 clude—

8 (1) an assessment of how post-harvest proc-
9 essing or other equivalent controls feasibly may be
10 implemented in the fastest, safest, and most eco-
11 nomical manner;

12 (2) the projected public health benefits of any
13 proposed post-harvest processing;

14 (3) the projected costs of compliance with such
15 post-harvest processing measures;

16 (4) the impact post-harvest processing is ex-
17 pected to have on the sales, cost, and availability of
18 raw oysters;

19 (5) criteria for ensuring post-harvest processing
20 standards will be applied equally to shellfish im-
21 ported from all nations of origin;

22 (6) an evaluation of alternative measures to
23 prevent, eliminate, or reduce to an acceptable level
24 the occurrence of foodborne illness; and

1 (7) the extent to which the Food and Drug Ad-
2 ministration has consulted with the States and other
3 regulatory agencies, as appropriate, with regard to
4 post-harvest processing measures.

5 (b) LIMITATION.—Subsection (a) shall not apply to
6 the guidance described in section 6103(h).

7 (c) REVIEW AND EVALUATION.—Not later than 30
8 days after the Secretary issues a proposed regulation or
9 guidance described in subsection (a), the Comptroller Gen-
10 eral of the United States shall—

11 (1) review and evaluate the report described in
12 subsection (a) and report to Congress on the find-
13 ings of the estimates and analysis in the report;

14 (2) compare such proposed regulation or guid-
15 ance to similar regulations or guidance with respect
16 to other regulated foods, including a comparison of
17 risks the Secretary may find associated with seafood
18 and the instances of those risks in such other regu-
19 lated foods; and

20 (3) evaluate the impact of post-harvest proc-
21 essing on the competitiveness of the domestic oyster
22 industry in the United States and in international
23 markets.

24 (d) WAIVER.—The requirement of preparing a report
25 under subsection (a) shall be waived if the Secretary issues

1 a guidance that is adopted as a consensus agreement be-
2 tween Federal and State regulators and the oyster indus-
3 try, acting through the Interstate Shellfish Sanitation
4 Conference.

5 (e) PUBLIC ACCESS.—Any report prepared under
6 this section shall be made available to the public.

7 **SEC. 6115. PORT SHOPPING.**

8 Until the date on which the Secretary promulgates
9 a final rule that implements the amendments made by sec-
10 tion 308 of the Public Health Security and Bioterrorism
11 Preparedness and Response Act of 2002 (Public Law
12 107–188), the Secretary shall notify the Secretary of
13 Homeland Security of all instances in which the Secretary
14 refuses to admit a food into the United States under sec-
15 tion 801(a) of the Federal Food, Drug, and Cosmetic Act
16 (21 U.S.C. 381(a)) so that the Secretary of Homeland Se-
17 curity, acting through the Commissioner of Customs and
18 Border Protection, may prevent food refused admittance
19 into the United States by a United States port of entry
20 from being admitted by another United States port of
21 entry, through the notification of other such United States
22 ports of entry.

23 **SEC. 6116. ALCOHOL-RELATED FACILITIES.**

24 (a) IN GENERAL.—Except as provided by sections
25 6102, 6206, 6207, 6302, 6304, 6402, 6403, and 6404 of

1 this Act, and the amendments made by such sections,
2 nothing in this Act, or the amendments made by this Act,
3 shall be construed to apply to a facility that—

4 (1) under the Federal Alcohol Administration
5 Act (27 U.S.C. 201 et seq.) or chapter 51 of subtitle
6 E of the Internal Revenue Code of 1986 (26 U.S.C.
7 5001 et seq.) is required to obtain a permit or to
8 register with the Secretary of the Treasury as a con-
9 dition of doing business in the United States; and

10 (2) under section 415 of the Federal Food,
11 Drug, and Cosmetic Act (21 U.S.C. 350d) is re-
12 quired to register as a facility because such facility
13 is engaged in manufacturing, processing, packing, or
14 holding 1 or more alcoholic beverages, with respect
15 to the activities of such facility that relate to the
16 manufacturing, processing, packing, or holding of al-
17 coholic beverages.

18 (b) LIMITED RECEIPT AND DISTRIBUTION OF NON-
19 ALCOHOL FOOD.—Subsection (a) shall not apply to a fa-
20 cility engaged in the receipt and distribution of any non-
21 alcohol food, except that such paragraph shall apply to a
22 facility described in such paragraph that receives and dis-
23 tributes nonalcohol food, provided such food is received
24 and distributed—

1 (1) in a prepackaged form that prevents any di-
2 rect human contact with such food; and

3 (2) in amounts that constitute not more than 5
4 percent of the overall sales of such facility, as deter-
5 mined by the Secretary of the Treasury.

6 (c) **RULE OF CONSTRUCTION.**—Except as provided in
7 subsections (a) and (b), this section shall not be construed
8 to exempt any food, other than alcoholic beverages, as de-
9 fined in section 214 of the Federal Alcohol Administration
10 Act (27 U.S.C. 214), from the requirements of this Act
11 (including the amendments made by this Act).

12 **TITLE II—IMPROVING CAPACITY**
13 **TO DETECT AND RESPOND TO**
14 **FOOD SAFETY PROBLEMS**

15 **SEC. 6201. TARGETING OF INSPECTION RESOURCES FOR**
16 **DOMESTIC FACILITIES, FOREIGN FACILITIES,**
17 **AND PORTS OF ENTRY; ANNUAL REPORT.**

18 (a) **TARGETING OF INSPECTION RESOURCES FOR**
19 **DOMESTIC FACILITIES, FOREIGN FACILITIES, AND PORTS**
20 **OF ENTRY.**—Chapter IV (21 U.S.C. 341 et seq.), as
21 amended by section 6106, is amended by adding at the
22 end the following:

1 **“SEC. 421. TARGETING OF INSPECTION RESOURCES FOR**
2 **DOMESTIC FACILITIES, FOREIGN FACILITIES,**
3 **AND PORTS OF ENTRY; ANNUAL REPORT.**

4 “(a) IDENTIFICATION AND INSPECTION OF FACILI-
5 TIES.—

6 “(1) IDENTIFICATION.—The Secretary shall
7 identify high-risk facilities and shall allocate re-
8 sources to inspect facilities according to the known
9 safety risks of the facilities, which shall be based on
10 the following factors:

11 “(A) The known safety risks of the food
12 manufactured, processed, packed, or held at the
13 facility.

14 “(B) The compliance history of a facility,
15 including with regard to food recalls, outbreaks
16 of foodborne illness, and violations of food safe-
17 ty standards.

18 “(C) The rigor and effectiveness of the fa-
19 cility’s hazard analysis and risk-based preven-
20 tive controls.

21 “(D) Whether the food manufactured,
22 processed, packed, or held at the facility meets
23 the criteria for priority under section 801(h)(1).

24 “(E) Whether the food or the facility that
25 manufactured, processed, packed, or held such

1 food has received a certification as described in
2 section 801(q) or 806, as appropriate.

3 “(F) Any other criteria deemed necessary
4 and appropriate by the Secretary for purposes
5 of allocating inspection resources.

6 “(2) INSPECTIONS.—

7 “(A) IN GENERAL.—Beginning on the date
8 of enactment of the FDA Food Safety Mod-
9 ernization Act, the Secretary shall increase the
10 frequency of inspection of all facilities.

11 “(B) DOMESTIC HIGH-RISK FACILITIES.—
12 The Secretary shall increase the frequency of
13 inspection of domestic facilities identified under
14 paragraph (1) as high-risk facilities such that
15 each such facility is inspected—

16 “(i) not less often than once in the 5-
17 year period following the date of enactment
18 of the FDA Food Safety Modernization
19 Act; and

20 “(ii) not less often than once every 3
21 years thereafter.

22 “(C) DOMESTIC NON-HIGH-RISK FACILI-
23 TIES.—The Secretary shall ensure that each do-
24 mestic facility that is not identified under para-
25 graph (1) as a high-risk facility is inspected—

1 “(i) not less often than once in the 7-
2 year period following the date of enactment
3 of the FDA Food Safety Modernization
4 Act; and

5 “(ii) not less often than once every 5
6 years thereafter.

7 “(D) FOREIGN FACILITIES.—

8 “(i) YEAR 1.—In the 1-year period
9 following the date of enactment of the
10 FDA Food Safety Modernization Act, the
11 Secretary shall inspect not fewer than 600
12 foreign facilities.

13 “(ii) SUBSEQUENT YEARS.—In each
14 of the 5 years following the 1-year period
15 described in clause (i), the Secretary shall
16 inspect not fewer than twice the number of
17 foreign facilities inspected by the Secretary
18 during the previous year.

19 “(E) RELIANCE ON FEDERAL, STATE, OR
20 LOCAL INSPECTIONS.—In meeting the inspec-
21 tion requirements under this subsection for do-
22 mestic facilities, the Secretary may rely on in-
23 spections conducted by other Federal, State, or
24 local agencies under interagency agreements,

1 contracts, memoranda of understanding, or
2 other obligations.

3 “(b) IDENTIFICATION AND INSPECTION AT PORTS OF
4 ENTRY.—The Secretary, in consultation with the Sec-
5 retary of Homeland Security, shall allocate resources to
6 inspect any article of food imported into the United States
7 according to the known safety risks of the article of food,
8 which shall be based on the following factors:

9 “(1) The known safety risks of the food im-
10 ported.

11 “(2) The known safety risks of the countries or
12 regions of origin and countries through which such
13 article of food is transported.

14 “(3) The compliance history of the importer, in-
15 cluding with regard to food recalls, outbreaks of
16 foodborne illness, and violations of food safety stand-
17 ards.

18 “(4) The rigor and effectiveness of the activities
19 conducted by the importer of such article of food to
20 satisfy the requirements of the foreign supplier
21 verification program under section 805.

22 “(5) Whether the food importer participates in
23 the voluntary qualified importer program under sec-
24 tion 806.

1 “(6) Whether the food meets the criteria for
2 priority under section 801(h)(1).

3 “(7) Whether the food or the facility that man-
4 ufactured, processed, packed, or held such food re-
5 ceived a certification as described in section 801(q)
6 or 806.

7 “(8) Any other criteria deemed necessary and
8 appropriate by the Secretary for purposes of allo-
9 cating inspection resources.

10 “(c) INTERAGENCY AGREEMENTS WITH RESPECT TO
11 SEAFOOD.—

12 “(1) IN GENERAL.—The Secretary of Health
13 and Human Services, the Secretary of Commerce,
14 the Secretary of Homeland Security, the Chairman
15 of the Federal Trade Commission, and the heads of
16 other appropriate agencies may enter into such
17 agreements as may be necessary or appropriate to
18 improve seafood safety.

19 “(2) SCOPE OF AGREEMENTS.—The agreements
20 under paragraph (1) may include—

21 “(A) cooperative arrangements for exam-
22 ining and testing seafood imports that leverage
23 the resources, capabilities, and authorities of
24 each party to the agreement;

1 “(B) coordination of inspections of foreign
2 facilities to increase the percentage of imported
3 seafood and seafood facilities inspected;

4 “(C) standardization of data on seafood
5 names, inspection records, and laboratory test-
6 ing to improve interagency coordination;

7 “(D) coordination to detect and investigate
8 violations under applicable Federal law;

9 “(E) a process, including the use or modi-
10 fication of existing processes, by which officers
11 and employees of the National Oceanic and At-
12 mospheric Administration may be duly des-
13 igned by the Secretary to carry out seafood
14 examinations and investigations under section
15 801 of this Act or section 203 of the Food Al-
16 lergen Labeling and Consumer Protection Act
17 of 2004;

18 “(F) the sharing of information concerning
19 observed noncompliance with United States
20 food requirements domestically and in foreign
21 nations and new regulatory decisions and poli-
22 cies that may affect the safety of food imported
23 into the United States;

1 “(G) conducting joint training on subjects
2 that affect and strengthen seafood inspection
3 effectiveness by Federal authorities; and

4 “(H) outreach on Federal efforts to en-
5 hance seafood safety and compliance with Fed-
6 eral food safety requirements.

7 “(d) COORDINATION.—The Secretary shall improve
8 coordination and cooperation with the Secretary of Agri-
9 culture and the Secretary of Homeland Security to target
10 food inspection resources.

11 “(e) FACILITY.—For purposes of this section, the
12 term ‘facility’ means a domestic facility or a foreign facil-
13 ity that is required to register under section 415.”.

14 (b) ANNUAL REPORT.—Section 1003 (21 U.S.C.
15 393) is amended by adding at the end the following:

16 “(h) ANNUAL REPORT REGARDING FOOD.—Not
17 later than February 1 of each year, the Secretary shall
18 submit to Congress a report, including efforts to coordi-
19 nate and cooperate with other Federal agencies with re-
20 sponsibilities for food inspections, regarding—

21 “(1) information about food facilities includ-
22 ing—

23 “(A) the appropriations used to inspect fa-
24 cilities registered pursuant to section 415 in the
25 previous fiscal year;

1 “(B) the average cost of both a non-high-
2 risk food facility inspection and a high-risk food
3 facility inspection, if such a difference exists, in
4 the previous fiscal year;

5 “(C) the number of domestic facilities and
6 the number of foreign facilities registered pur-
7 suant to section 415 that the Secretary in-
8 spected in the previous fiscal year;

9 “(D) the number of domestic facilities and
10 the number of foreign facilities registered pur-
11 suant to section 415 that were scheduled for in-
12 spection in the previous fiscal year and which
13 the Secretary did not inspect in such year;

14 “(E) the number of high-risk facilities
15 identified pursuant to section 421 that the Sec-
16 retary inspected in the previous fiscal year; and

17 “(F) the number of high-risk facilities
18 identified pursuant to section 421 that were
19 scheduled for inspection in the previous fiscal
20 year and which the Secretary did not inspect in
21 such year.

22 “(2) information about food imports includ-
23 ing—

24 “(A) the number of lines of food imported
25 into the United States that the Secretary phys-

1 ically inspected or sampled in the previous fiscal
2 year;

3 “(B) the number of lines of food imported
4 into the United States that the Secretary did
5 not physically inspect or sample in the previous
6 fiscal year; and

7 “(C) the average cost of physically inspect-
8 ing or sampling a line of food subject to this
9 Act that is imported or offered for import into
10 the United States; and

11 “(3) information on the foreign offices of the
12 Food and Drug Administration including—

13 “(A) the number of foreign offices estab-
14 lished; and

15 “(B) the number of personnel permanently
16 stationed in each foreign office.

17 “(i) PUBLIC AVAILABILITY OF ANNUAL FOOD RE-
18 PORTS.—The Secretary shall make the reports required
19 under subsection (h) available to the public on the Internet
20 Web site of the Food and Drug Administration.”.

21 (c) ADVISORY COMMITTEE CONSULTATION.—In allo-
22 cating inspection resources as described in section 421 of
23 the Federal Food, Drug, and Cosmetic Act (as added by
24 subsection (a)), the Secretary may, as appropriate, consult

1 with any relevant advisory committee within the Depart-
2 ment of Health and Human Services.

3 **SEC. 6202. LABORATORY ACCREDITATION FOR ANALYSES**
4 **OF FOODS.**

5 (a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et
6 seq.), as amended by section 6201, is amended by adding
7 at the end the following:

8 **“SEC. 422. LABORATORY ACCREDITATION FOR ANALYSES**
9 **OF FOODS.**

10 **“(a) RECOGNITION OF LABORATORY ACCREDITA-**
11 **TION.—**

12 **“(1) IN GENERAL.—**Not later than 2 years
13 after the date of enactment of the FDA Food Safety
14 Modernization Act, the Secretary shall—

15 **“(A)** establish a program for the testing of
16 food by accredited laboratories;

17 **“(B)** establish a publicly available registry
18 of accreditation bodies recognized by the Sec-
19 retary and laboratories accredited by a recog-
20 nized accreditation body, including the name of,
21 contact information for, and other information
22 deemed appropriate by the Secretary about
23 such bodies and laboratories; and

24 **“(C)** require, as a condition of recognition
25 or accreditation, as appropriate, that recognized

1 accreditation bodies and accredited laboratories
2 report to the Secretary any changes that would
3 affect the recognition of such accreditation body
4 or the accreditation of such laboratory.

5 “(2) PROGRAM REQUIREMENTS.—The program
6 established under paragraph (1)(A) shall provide for
7 the recognition of laboratory accreditation bodies
8 that meet criteria established by the Secretary for
9 accreditation of laboratories, including independent
10 private laboratories and laboratories run and oper-
11 ated by a Federal agency (including the Department
12 of Commerce), State, or locality with a demonstrated
13 capability to conduct 1 or more sampling and analyt-
14 ical testing methodologies for food.

15 “(3) INCREASING THE NUMBER OF QUALIFIED
16 LABORATORIES.—The Secretary shall work with the
17 laboratory accreditation bodies recognized under
18 paragraph (1), as appropriate, to increase the num-
19 ber of qualified laboratories that are eligible to per-
20 form testing under subsection (b) beyond the num-
21 ber so qualified on the date of enactment of the
22 FDA Food Safety Modernization Act.

23 “(4) LIMITED DISTRIBUTION.—In the interest
24 of national security, the Secretary, in coordination
25 with the Secretary of Homeland Security, may deter-

1 mine the time, manner, and form in which the reg-
2 istry established under paragraph (1)(B) is made
3 publicly available.

4 “(5) FOREIGN LABORATORIES.—Accreditation
5 bodies recognized by the Secretary under paragraph
6 (1) may accredit laboratories that operate outside
7 the United States, so long as such laboratories meet
8 the accreditation standards applicable to domestic
9 laboratories accredited under this section.

10 “(6) MODEL LABORATORY STANDARDS.—The
11 Secretary shall develop model standards that a lab-
12 oratory shall meet to be accredited by a recognized
13 accreditation body for a specified sampling or ana-
14 lytical testing methodology and included in the reg-
15 istry provided for under paragraph (1). In devel-
16 oping the model standards, the Secretary shall con-
17 sult existing standards for guidance. The model
18 standards shall include—

19 “(A) methods to ensure that—

20 “(i) appropriate sampling, analytical
21 procedures (including rapid analytical pro-
22 cedures), and commercially available tech-
23 niques are followed and reports of analyses
24 are certified as true and accurate;

1 “(ii) internal quality systems are es-
2 tablished and maintained;

3 “(iii) procedures exist to evaluate and
4 respond promptly to complaints regarding
5 analyses and other activities for which the
6 laboratory is accredited; and

7 “(iv) individuals who conduct the
8 sampling and analyses are qualified by
9 training and experience to do so; and

10 “(B) any other criteria determined appro-
11 priate by the Secretary.

12 “(7) REVIEW OF RECOGNITION.—To ensure
13 compliance with the requirements of this section, the
14 Secretary—

15 “(A) shall periodically, and in no case less
16 than once every 5 years, reevaluate accredita-
17 tion bodies recognized under paragraph (1) and
18 may accompany auditors from an accreditation
19 body to assess whether the accreditation body
20 meets the criteria for recognition; and

21 “(B) shall promptly revoke the recognition
22 of any accreditation body found not to be in
23 compliance with the requirements of this sec-
24 tion, specifying, as appropriate, any terms and
25 conditions necessary for laboratories accredited

1 by such body to continue to perform testing as
2 described in this section.

3 “(b) TESTING PROCEDURES.—

4 “(1) IN GENERAL.—Not later than 30 months
5 after the date of enactment of the FDA Food Safety
6 Modernization Act, food testing shall be conducted
7 by Federal laboratories or non-Federal laboratories
8 that have been accredited for the appropriate sam-
9 pling or analytical testing methodology or meth-
10 odologies by a recognized accreditation body on the
11 registry established by the Secretary under sub-
12 section (a)(1)(B) whenever such testing is con-
13 ducted—

14 “(A) by or on behalf of an owner or con-
15 signee—

16 “(i) in response to a specific testing
17 requirement under this Act or imple-
18 menting regulations, when applied to ad-
19 dress an identified or suspected food safety
20 problem; and

21 “(ii) as required by the Secretary, as
22 the Secretary deems appropriate, to ad-
23 dress an identified or suspected food safety
24 problem; or

25 “(B) on behalf of an owner or consignee—

1 “(i) in support of admission of an ar-
2 ticle of food under section 801(a); and

3 “(ii) under an Import Alert that re-
4 quires successful consecutive tests.

5 “(2) RESULTS OF TESTING.—The results of
6 any such testing shall be sent directly to the Food
7 and Drug Administration, except the Secretary may
8 by regulation exempt test results from such submis-
9 sion requirement if the Secretary determines that
10 such results do not contribute to the protection of
11 public health. Test results required to be submitted
12 may be submitted to the Food and Drug Adminis-
13 tration through electronic means.

14 “(3) EXCEPTION.—The Secretary may waive
15 requirements under this subsection if—

16 “(A) a new methodology or methodologies
17 have been developed and validated but a labora-
18 tory has not yet been accredited to perform
19 such methodology or methodologies; and

20 “(B) the use of such methodology or meth-
21 odologies are necessary to prevent, control, or
22 mitigate a food emergency or foodborne illness
23 outbreak.

24 “(c) REVIEW BY SECRETARY.—If food sampling and
25 testing performed by a laboratory run and operated by a

1 State or locality that is accredited by a recognized accredi-
2 tation body on the registry established by the Secretary
3 under subsection (a) result in a State recalling a food, the
4 Secretary shall review the sampling and testing results for
5 the purpose of determining the need for a national recall
6 or other compliance and enforcement activities.

7 “(d) NO LIMIT ON SECRETARIAL AUTHORITY.—
8 Nothing in this section shall be construed to limit the abil-
9 ity of the Secretary to review and act upon information
10 from food testing, including determining the sufficiency of
11 such information and testing.”.

12 (b) FOOD EMERGENCY RESPONSE NETWORK.—The
13 Secretary, in coordination with the Secretary of Agri-
14 culture, the Secretary of Homeland Security, and State,
15 local, and tribal governments shall, not later than 180
16 days after the date of enactment of this Act, and biennially
17 thereafter, submit to the relevant committees of Congress,
18 and make publicly available on the Internet Web site of
19 the Department of Health and Human Services, a report
20 on the progress in implementing a national food emer-
21 gency response laboratory network that—

22 (1) provides ongoing surveillance, rapid detec-
23 tion, and surge capacity for large-scale food-related
24 emergencies, including intentional adulteration of
25 the food supply;

1 (2) coordinates the food laboratory capacities of
2 State, local, and tribal food laboratories, including
3 the adoption of novel surveillance and identification
4 technologies and the sharing of data among Federal
5 agencies and State laboratories to develop national
6 situational awareness;

7 (3) provides accessible, timely, accurate, and
8 consistent food laboratory services throughout the
9 United States;

10 (4) develops and implements a methods reposi-
11 tory for use by Federal, State, and local officials;

12 (5) responds to food-related emergencies; and

13 (6) is integrated with relevant laboratory net-
14 works administered by other Federal agencies.

15 **SEC. 6203. INTEGRATED CONSORTIUM OF LABORATORY**
16 **NETWORKS.**

17 (a) IN GENERAL.—The Secretary of Homeland Secu-
18 rity, in coordination with the Secretary of Health and
19 Human Services, the Secretary of Agriculture, the Sec-
20 retary of Commerce, and the Administrator of the Envi-
21 ronmental Protection Agency, shall maintain an agree-
22 ment through which relevant laboratory network members,
23 as determined by the Secretary of Homeland Security,
24 shall—

1 (1) agree on common laboratory methods in
2 order to reduce the time required to detect and re-
3 spond to foodborne illness outbreaks and facilitate
4 the sharing of knowledge and information relating to
5 animal health, agriculture, and human health;

6 (2) identify means by which laboratory network
7 members could work cooperatively—

8 (A) to optimize national laboratory pre-
9 paredness; and

10 (B) to provide surge capacity during emer-
11 gencies; and

12 (3) engage in ongoing dialogue and build rela-
13 tionships that will support a more effective and inte-
14 grated response during emergencies.

15 (b) REPORTING REQUIREMENT.—The Secretary of
16 Homeland Security shall, on a biennial basis, submit to
17 the relevant committees of Congress, and make publicly
18 available on the Internet Web site of the Department of
19 Homeland Security, a report on the progress of the inte-
20 grated consortium of laboratory networks, as established
21 under subsection (a), in carrying out this section.

22 **SEC. 6204. ENHANCING TRACKING AND TRACING OF FOOD**
23 **AND RECORDKEEPING.**

24 (a) PILOT PROJECTS.—

1 (1) IN GENERAL.—Not later than 270 days
2 after the date of enactment of this Act, the Sec-
3 retary of Health and Human Services (referred to in
4 this section as the “Secretary”), taking into account
5 recommendations from the Secretary of Agriculture
6 and representatives of State departments of health
7 and agriculture, shall establish pilot projects in co-
8 ordination with the food industry to explore and
9 evaluate methods to rapidly and effectively identify
10 recipients of food to prevent or mitigate a foodborne
11 illness outbreak and to address credible threats of
12 serious adverse health consequences or death to hu-
13 mans or animals as a result of such food being adul-
14 terated under section 402 of the Federal Food,
15 Drug, and Cosmetic Act (21 U.S.C. 342) or mis-
16 branded under section 403(w) of such Act (21
17 U.S.C. 343(w)).

18 (2) CONTENT.—The Secretary shall conduct 1
19 or more pilot projects under paragraph (1) in coordi-
20 nation with the processed food sector and 1 or more
21 such pilot projects in coordination with processors or
22 distributors of fruits and vegetables that are raw ag-
23 ricultural commodities. The Secretary shall ensure
24 that the pilot projects under paragraph (1) reflect
25 the diversity of the food supply and include at least

1 3 different types of foods that have been the subject
2 of significant outbreaks during the 5-year period
3 preceding the date of enactment of this Act, and are
4 selected in order to—

5 (A) develop and demonstrate methods for
6 rapid and effective tracking and tracing of
7 foods in a manner that is practicable for facili-
8 ties of varying sizes, including small businesses;

9 (B) develop and demonstrate appropriate
10 technologies, including technologies existing on
11 the date of enactment of this Act, that enhance
12 the tracking and tracing of food; and

13 (C) inform the promulgation of regulations
14 under subsection (d).

15 (3) REPORT.—Not later than 18 months after
16 the date of enactment of this Act, the Secretary
17 shall report to Congress on the findings of the pilot
18 projects under this subsection together with rec-
19 ommendations for improving the tracking and trac-
20 ing of food.

21 (b) ADDITIONAL DATA GATHERING.—

22 (1) IN GENERAL.—The Secretary, in coordina-
23 tion with the Secretary of Agriculture and multiple
24 representatives of State departments of health and
25 agriculture, shall assess—

1 (A) the costs and benefits associated with
2 the adoption and use of several product tracing
3 technologies, including technologies used in the
4 pilot projects under subsection (a);

5 (B) the feasibility of such technologies for
6 different sectors of the food industry, including
7 small businesses; and

8 (C) whether such technologies are compat-
9 ible with the requirements of this subsection.

10 (2) REQUIREMENTS.—To the extent prac-
11 ticable, in carrying out paragraph (1), the Secretary
12 shall—

13 (A) evaluate domestic and international
14 product tracing practices in commercial use;

15 (B) consider international efforts, includ-
16 ing an assessment of whether product tracing
17 requirements developed under this section are
18 compatible with global tracing systems, as ap-
19 propriate; and

20 (C) consult with a diverse and broad range
21 of experts and stakeholders, including rep-
22 resentatives of the food industry, agricultural
23 producers, and nongovernmental organizations
24 that represent the interests of consumers.

1 (c) **PRODUCT TRACING SYSTEM.**—The Secretary, in
2 consultation with the Secretary of Agriculture, shall, as
3 appropriate, establish within the Food and Drug Adminis-
4 tration a product tracing system to receive information
5 that improves the capacity of the Secretary to effectively
6 and rapidly track and trace food that is in the United
7 States or offered for import into the United States. Prior
8 to the establishment of such product tracing system, the
9 Secretary shall examine the results of applicable pilot
10 projects and shall ensure that the activities of such system
11 are adequately supported by the results of such pilot
12 projects.

13 (d) **ADDITIONAL RECORDKEEPING REQUIREMENTS**
14 **FOR HIGH-RISK FOODS.**—

15 (1) **IN GENERAL.**—In order to rapidly and ef-
16 fectively identify recipients of a food to prevent or
17 mitigate a foodborne illness outbreak and to address
18 credible threats of serious adverse health con-
19 sequences or death to humans or animals as a result
20 of such food being adulterated under section 402 of
21 the Federal Food, Drug, and Cosmetic Act or mis-
22 branded under section 403(w) of such Act, not later
23 than 2 years after the date of enactment of this Act,
24 the Secretary shall publish a notice of proposed rule-
25 making to establish recordkeeping requirements, in

1 addition to the requirements under section 414 of
2 the Federal Food, Drug, and Cosmetic Act (21
3 U.S.C. 350c) and subpart J of part 1 of title 21,
4 Code of Federal Regulations (or any successor regu-
5 lations), for facilities that manufacture, process,
6 pack, or hold foods that the Secretary designates
7 under paragraph (2) as high-risk foods. The Sec-
8 retary shall set an appropriate effective date of such
9 additional requirements for foods designated as high
10 risk that takes into account the length of time nec-
11 essary to comply with such requirements. Such re-
12 quirements shall—

13 (A) relate only to information that is rea-
14 sonably available and appropriate;

15 (B) be science-based;

16 (C) not prescribe specific technologies for
17 the maintenance of records;

18 (D) ensure that the public health benefits
19 of imposing additional recordkeeping require-
20 ments outweigh the cost of compliance with
21 such requirements;

22 (E) be scale-appropriate and practicable
23 for facilities of varying sizes and capabilities
24 with respect to costs and recordkeeping bur-
25 dens, and not require the creation and mainte-

1 nance of duplicate records where the informa-
2 tion is contained in other company records kept
3 in the normal course of business;

4 (F) minimize the number of different rec-
5 ordkeeping requirements for facilities that han-
6 dle more than 1 type of food;

7 (G) to the extent practicable, not require a
8 facility to change business systems to comply
9 with such requirements;

10 (H) allow any person subject to this sub-
11 section to maintain records required under this
12 subsection at a central or reasonably accessible
13 location provided that such records can be made
14 available to the Secretary not later than 24
15 hours after the Secretary requests such records;

16 (I) include a process by which the Sec-
17 retary may issue a waiver of the requirements
18 under this subsection if the Secretary deter-
19 mines that such requirements would result in
20 an economic hardship for an individual facility
21 or a type of facility;

22 (J) be commensurate with the known safe-
23 ty risks of the designated food;

24 (K) take into account international trade
25 obligations;

1 (L) not require—

2 (i) a full pedigree, or a record of the
3 complete previous distribution history of
4 the food from the point of origin of such
5 food;

6 (ii) records of recipients of a food be-
7 yond the immediate subsequent recipient of
8 such food; or

9 (iii) product tracking to the case level
10 by persons subject to such requirements;
11 and

12 (M) include a process by which the Sec-
13 retary may remove a high-risk food designation
14 developed under paragraph (2) for a food or
15 type of food.

16 (2) DESIGNATION OF HIGH-RISK FOODS.—

17 (A) IN GENERAL.—Not later than 1 year
18 after the date of enactment of this Act, and
19 thereafter as the Secretary determines nec-
20 essary, the Secretary shall designate high-risk
21 foods for which the additional recordkeeping re-
22 quirements described in paragraph (1) are ap-
23 propriate and necessary to protect the public
24 health. Each such designation shall be based
25 on—

1 (i) the known safety risks of a par-
2 ticular food, including the history and se-
3 verity of foodborne illness outbreaks attrib-
4 uted to such food, taking into consider-
5 ation foodborne illness data collected by
6 the Centers for Disease Control and Pre-
7 vention;

8 (ii) the likelihood that a particular
9 food has a high potential risk for micro-
10 biological or chemical contamination or
11 would support the growth of pathogenic
12 microorganisms due to the nature of the
13 food or the processes used to produce such
14 food;

15 (iii) the point in the manufacturing
16 process of the food where contamination is
17 most likely to occur;

18 (iv) the likelihood of contamination
19 and steps taken during the manufacturing
20 process to reduce the possibility of con-
21 tamination;

22 (v) the likelihood that consuming a
23 particular food will result in a foodborne
24 illness due to contamination of the food;
25 and

1 (vi) the likely or known severity, in-
2 cluding health and economic impacts, of a
3 foodborne illness attributed to a particular
4 food.

5 (B) LIST OF HIGH-RISK FOODS.—At the
6 time the Secretary promulgates the final rules
7 under paragraph (1), the Secretary shall pub-
8 lish the list of the foods designated under sub-
9 paragraph (A) as high-risk foods on the Inter-
10 net website of the Food and Drug Administra-
11 tion. The Secretary may update the list to des-
12 ignate new high-risk foods and to remove foods
13 that are no longer deemed to be high-risk foods,
14 provided that each such update to the list is
15 consistent with the requirements of this sub-
16 section and notice of such update is published
17 in the Federal Register.

18 (3) PROTECTION OF SENSITIVE INFORMA-
19 TION.—In promulgating regulations under this sub-
20 section, the Secretary shall take appropriate meas-
21 ures to ensure that there are effective procedures to
22 prevent the unauthorized disclosure of any trade se-
23 cret or confidential information that is obtained by
24 the Secretary pursuant to this section, including

1 periodic risk assessment and planning to prevent un-
2 authorized release and controls to—

3 (A) prevent unauthorized reproduction of
4 trade secret or confidential information;

5 (B) prevent unauthorized access to trade
6 secret or confidential information; and

7 (C) maintain records with respect to access
8 by any person to trade secret or confidential in-
9 formation maintained by the agency.

10 (4) PUBLIC INPUT.—During the comment pe-
11 riod in the notice of proposed rulemaking under
12 paragraph (1), the Secretary shall conduct not less
13 than 3 public meetings in diverse geographical areas
14 of the United States to provide persons in different
15 regions an opportunity to comment.

16 (5) RETENTION OF RECORDS.—Except as oth-
17 erwise provided in this subsection, the Secretary may
18 require that a facility retain records under this sub-
19 section for not more than 2 years, taking into con-
20 sideration the risk of spoilage, loss of value, or loss
21 of palatability of the applicable food when deter-
22 mining the appropriate timeframes.

23 (6) LIMITATIONS.—

24 (A) FARM-TO-SCHOOL PROGRAMS.—In es-
25 tablishing requirements under this subsection,

1 the Secretary shall, in consultation with the
2 Secretary of Agriculture, consider the impact of
3 requirements on farm-to-school or farm-to-insti-
4 tution programs of the Department of Agri-
5 culture and other farm-to-school and farm-to-
6 institution programs outside such agency, and
7 shall modify the requirements under this sub-
8 section, as appropriate, with respect to such
9 programs so that the requirements do not place
10 undue burdens on farm-to-school or farm-to-in-
11 stitution programs.

12 (B) IDENTITY-PRESERVED LABELS WITH
13 RESPECT TO FARM SALES OF FOOD THAT IS
14 PRODUCED AND PACKAGED ON A FARM.—The
15 requirements under this subsection shall not
16 apply to a food that is produced and packaged
17 on a farm if—

18 (i) the packaging of the food main-
19 tains the integrity of the product and pre-
20 vents subsequent contamination or alter-
21 ation of the product; and

22 (ii) the labeling of the food includes
23 the name, complete address (street ad-
24 dress, town, State, country, and zip or
25 other postal code), and business phone

1 number of the farm, unless the Secretary
2 waives the requirement to include a busi-
3 ness phone number of the farm, as appro-
4 priate, in order to accommodate a religious
5 belief of the individual in charge of such
6 farm.

7 (C) FISHING VESSELS.—The requirements
8 under this subsection with respect to a food
9 that is produced through the use of a fishing
10 vessel (as defined in section 3(18) of the Mag-
11 nuson-Stevens Fishery Conservation and Man-
12 agement Act (16 U.S.C. 1802(18))) shall be
13 limited to the requirements under subparagraph
14 (F) until such time as the food is sold by the
15 owner, operator, or agent in charge of such
16 fishing vessel.

17 (D) COMMINGLED RAW AGRICULTURAL
18 COMMODITIES.—

19 (i) LIMITATION ON EXTENT OF TRAC-
20 ING.—Recordkeeping requirements under
21 this subsection with regard to any commin-
22 gled raw agricultural commodity shall be
23 limited to the requirements under subpara-
24 graph (F).

1 (ii) DEFINITIONS.—For the purposes
2 of this subparagraph—

3 (I) the term “commingled raw
4 agricultural commodity” means any
5 commodity that is combined or mixed
6 after harvesting, but before proc-
7 essing;

8 (II) the term “commingled raw
9 agricultural commodity” shall not in-
10 clude types of fruits and vegetables
11 that are raw agricultural commodities
12 for which the Secretary has deter-
13 mined that standards promulgated
14 under section 419 of the Federal
15 Food, Drug, and Cosmetic Act (as
16 added by section 6105) would mini-
17 mize the risk of serious adverse health
18 consequences or death; and

19 (III) the term “processing”
20 means operations that alter the gen-
21 eral state of the commodity, such as
22 canning, cooking, freezing, dehydra-
23 tion, milling, grinding, pasteurization,
24 or homogenization.

1 (E) EXEMPTION OF OTHER FOODS.—The
2 Secretary may, by notice in the Federal Reg-
3 ister, modify the requirements under this sub-
4 section with respect to, or exempt a food or a
5 type of facility from, the requirements of this
6 subsection (other than the requirements under
7 subparagraph (F), if applicable) if the Sec-
8 retary determines that product tracing require-
9 ments for such food (such as bulk or commin-
10 gled ingredients that are intended to be proc-
11 essed to destroy pathogens) or type of facility
12 is not necessary to protect the public health.

13 (F) RECORDKEEPING REGARDING PRE-
14 VIOUS SOURCES AND SUBSEQUENT RECIPI-
15 ENTS.—In the case of a person or food to which
16 a limitation or exemption under subparagraph
17 (C), (D), or (E) applies, if such person, or a
18 person who manufactures, processes, packs, or
19 holds such food, is required to register with the
20 Secretary under section 415 of the Federal
21 Food, Drug, and Cosmetic Act (21 U.S.C.
22 350d) with respect to the manufacturing, proc-
23 essing, packing, or holding of the applicable
24 food, the Secretary shall require such person to
25 maintain records that identify the immediate

1 previous source of such food and the immediate
2 subsequent recipient of such food.

3 (G) GROCERY STORES.—With respect to a
4 sale of a food described in subparagraph (H) to
5 a grocery store, the Secretary shall not require
6 such grocery store to maintain records under
7 this subsection other than records documenting
8 the farm that was the source of such food. The
9 Secretary shall not require that such records be
10 kept for more than 180 days.

11 (H) FARM SALES TO CONSUMERS.—The
12 Secretary shall not require a farm to maintain
13 any distribution records under this subsection
14 with respect to a sale of a food described in
15 subparagraph (I) (including a sale of a food
16 that is produced and packaged on such farm),
17 if such sale is made by the farm directly to a
18 consumer.

19 (I) SALE OF A FOOD.—A sale of a food de-
20 scribed in this subparagraph is a sale of a food
21 in which—

22 (i) the food is produced on a farm;
23 and

1 (ii) the sale is made by the owner, op-
2 erator, or agent in charge of such farm di-
3 rectly to a consumer or grocery store.

4 (7) NO IMPACT ON NON-HIGH-RISK FOODS.—

5 The recordkeeping requirements established under
6 paragraph (1) shall have no effect on foods that are
7 not designated by the Secretary under paragraph (2)
8 as high-risk foods. Foods described in the preceding
9 sentence shall be subject solely to the recordkeeping
10 requirements under section 414 of the Federal Food,
11 Drug, and Cosmetic Act (21 U.S.C. 350c) and sub-
12 part J of part 1 of title 21, Code of Federal Regula-
13 tions (or any successor regulations).

14 (e) EVALUATION AND RECOMMENDATIONS.—

15 (1) REPORT.—Not later than 1 year after the
16 effective date of the final rule promulgated under
17 subsection (d)(1), the Comptroller General of the
18 United States shall submit to Congress a report,
19 taking into consideration the costs of compliance
20 and other regulatory burdens on small businesses
21 and Federal, State, and local food safety practices
22 and requirements, that evaluates the public health
23 benefits and risks, if any, of limiting—

24 (A) the product tracing requirements
25 under subsection (d) to foods identified under

1 paragraph (2) of such subsection, including
2 whether such requirements provide adequate as-
3 surance of traceability in the event of inten-
4 tional adulteration, including by acts of ter-
5 rorism; and

6 (B) the participation of restaurants in the
7 recordkeeping requirements.

8 (2) DETERMINATION AND RECOMMENDA-
9 TIONS.—In conducting the evaluation and report
10 under paragraph (1), if the Comptroller General of
11 the United States determines that the limitations de-
12 scribed in such paragraph do not adequately protect
13 the public health, the Comptroller General shall sub-
14 mit to Congress recommendations, if appropriate, re-
15 garding recordkeeping requirements for restaurants
16 and additional foods, in order to protect the public
17 health.

18 (f) FARMS.—

19 (1) REQUEST FOR INFORMATION.—Notwith-
20 standing subsection (d), during an active investiga-
21 tion of a foodborne illness outbreak, or if the Sec-
22 retary determines it is necessary to protect the pub-
23 lic health and prevent or mitigate a foodborne illness
24 outbreak, the Secretary, in consultation and coordi-
25 nation with State and local agencies responsible for

1 food safety, as appropriate, may request that the
2 owner, operator, or agent of a farm identify poten-
3 tial immediate recipients, other than consumers, of
4 an article of the food that is the subject of such in-
5 vestigation if the Secretary reasonably believes such
6 article of food—

7 (A) is adulterated under section 402 of the
8 Federal Food, Drug, and Cosmetic Act;

9 (B) presents a threat of serious adverse
10 health consequences or death to humans or ani-
11 mals; and

12 (C) was adulterated as described in sub-
13 paragraph (A) on a particular farm (as defined
14 in section 1.227 of chapter 21, Code of Federal
15 Regulations (or any successor regulation)).

16 (2) MANNER OF REQUEST.—In making a re-
17 quest under paragraph (1), the Secretary, in con-
18 sultation and coordination with State and local agen-
19 cies responsible for food safety, as appropriate, shall
20 issue a written notice to the owner, operator, or
21 agent of the farm to which the article of food has
22 been traced. The individual providing such notice
23 shall present to such owner, operator, or agent ap-
24 propriate credentials and shall deliver such notice at

1 reasonable times and within reasonable limits and in
2 a reasonable manner.

3 (3) DELIVERY OF INFORMATION REQUESTED.—

4 The owner, operator, or agent of a farm shall deliver
5 the information requested under paragraph (1) in a
6 prompt and reasonable manner. Such information
7 may consist of records kept in the normal course of
8 business, and may be in electronic or nonelectronic
9 format.

10 (4) LIMITATION.—A request made under para-
11 graph (1) shall not include a request for information
12 relating to the finances, pricing of commodities pro-
13 duced, personnel, research, sales (other than infor-
14 mation relating to shipping), or other disclosures
15 that may reveal trade secrets or confidential infor-
16 mation from the farm to which the article of food
17 has been traced, other than information necessary to
18 identify potential immediate recipients of such food.
19 Section 301(j) of the Federal Food, Drug, and Cos-
20 metic Act and the Freedom of Information Act shall
21 apply with respect to any confidential commercial in-
22 formation that is disclosed to the Food and Drug
23 Administration in the course of responding to a re-
24 quest under paragraph (1).

1 (5) RECORDS.—Except with respect to identi-
2 fying potential immediate recipients in response to a
3 request under this subsection, nothing in this sub-
4 section shall require the establishment or mainte-
5 nance by farms of new records.

6 (g) NO LIMITATION ON COMMINGLING OF FOOD.—
7 Nothing in this section shall be construed to authorize the
8 Secretary to impose any limitation on the commingling of
9 food.

10 (h) SMALL ENTITY COMPLIANCE GUIDE.—Not later
11 than 180 days after promulgation of a final rule under
12 subsection (d), the Secretary shall issue a small entity
13 compliance guide setting forth in plain language the re-
14 quirements of the regulations under such subsection in
15 order to assist small entities, including farms and small
16 businesses, in complying with the recordkeeping require-
17 ments under such subsection.

18 (i) FLEXIBILITY FOR SMALL BUSINESSES.—Notwith-
19 standing any other provision of law, the regulations pro-
20 mulgated under subsection (d) shall apply—

21 (1) to small businesses (as defined by the Sec-
22 retary in section 6103, not later than 90 days after
23 the date of enactment of this Act) beginning on the
24 date that is 1 year after the effective date of the

1 final regulations promulgated under subsection (d);
2 and

3 (2) to very small businesses (as defined by the
4 Secretary in section 6103, not later than 90 days
5 after the date of enactment of this Act) beginning
6 on the date that is 2 years after the effective date
7 of the final regulations promulgated under sub-
8 section (d).

9 (j) ENFORCEMENT.—

10 (1) PROHIBITED ACTS.—Section 301(e) (21
11 U.S.C. 331(e)) is amended by inserting “; or the vio-
12 lation of any recordkeeping requirement under sec-
13 tion 6204 of the FDA Food Safety Modernization
14 Act (except when such violation is committed by a
15 farm)” before the period at the end.

16 (2) IMPORTS.—Section 801(a) (21 U.S.C.
17 381(a)) is amended by inserting “or (4) the record-
18 keeping requirements under section 6204 of the
19 FDA Food Safety Modernization Act (other than
20 the requirements under subsection (f) of such sec-
21 tion) have not been complied with regarding such ar-
22 ticle,” in the third sentence before “then such article
23 shall be refused admission”.

1 **SEC. 6205. SURVEILLANCE.**

2 (a) DEFINITION OF FOODBORNE ILLNESS OUT-
3 BREAK.—In this Act, the term “foodborne illness out-
4 break” means the occurrence of 2 or more cases of a simi-
5 lar illness resulting from the ingestion of a certain food.

6 (b) FOODBORNE ILLNESS SURVEILLANCE SYS-
7 TEMS.—

8 (1) IN GENERAL.—The Secretary, acting
9 through the Director of the Centers for Disease
10 Control and Prevention, shall enhance foodborne ill-
11 ness surveillance systems to improve the collection,
12 analysis, reporting, and usefulness of data on
13 foodborne illnesses by—

14 (A) coordinating Federal, State, and local
15 foodborne illness surveillance systems, including
16 complaint systems, and increasing participation
17 in national networks of public health and food
18 regulatory agencies and laboratories;

19 (B) facilitating sharing of surveillance in-
20 formation on a more timely basis among gov-
21 ernmental agencies, including the Food and
22 Drug Administration, the Department of Agri-
23 culture, the Department of Homeland Security,
24 and State and local agencies, and with the pub-
25 lic;

1 (C) developing improved epidemiological
2 tools for obtaining quality exposure data and
3 microbiological methods for classifying cases;

4 (D) augmenting such systems to improve
5 attribution of a foodborne illness outbreak to a
6 specific food;

7 (E) expanding capacity of such systems,
8 including working toward automatic electronic
9 searches, for implementation of identification
10 practices, including fingerprinting strategies,
11 for foodborne infectious agents, in order to
12 identify new or rarely documented causes of
13 foodborne illness and submit standardized infor-
14 mation to a centralized database;

15 (F) allowing timely public access to aggre-
16 gated, de-identified surveillance data;

17 (G) at least annually, publishing current
18 reports on findings from such systems;

19 (H) establishing a flexible mechanism for
20 rapidly initiating scientific research by academic
21 institutions;

22 (I) integrating foodborne illness surveil-
23 lance systems and data with other biosurveil-
24 lance and public health situational awareness
25 capabilities at the Federal, State, and local lev-

1 els, including by sharing foodborne illness sur-
2 veillance data with the National Biosurveillance
3 Integration Center; and

4 (J) other activities as determined appro-
5 priate by the Secretary.

6 (2) WORKING GROUP.—The Secretary shall
7 support and maintain a diverse working group of ex-
8 perts and stakeholders from Federal, State, and
9 local food safety and health agencies, the food and
10 food testing industries, consumer organizations, and
11 academia. Such working group shall provide the Sec-
12 retary, through at least annual meetings of the
13 working group and an annual public report, advice
14 and recommendations on an ongoing and regular
15 basis regarding the improvement of foodborne illness
16 surveillance and implementation of this section, in-
17 cluding advice and recommendations on—

18 (A) the priority needs of regulatory agen-
19 cies, the food industry, and consumers for infor-
20 mation and analysis on foodborne illness and its
21 causes;

22 (B) opportunities to improve the effective-
23 ness of initiatives at the Federal, State, and
24 local levels, including coordination and integra-
25 tion of activities among Federal agencies, and

1 among the Federal, State, and local levels of
2 government;

3 (C) improvement in the timeliness and
4 depth of access by regulatory and health agen-
5 cies, the food industry, academic researchers,
6 and consumers to foodborne illness aggregated,
7 de-identified surveillance data collected by gov-
8 ernment agencies at all levels, including data
9 compiled by the Centers for Disease Control
10 and Prevention;

11 (D) key barriers at Federal, State, and
12 local levels to improving foodborne illness sur-
13 veillance and the utility of such surveillance for
14 preventing foodborne illness;

15 (E) the capabilities needed for establishing
16 automatic electronic searches of surveillance
17 data; and

18 (F) specific actions to reduce barriers to
19 improvement, implement the working group's
20 recommendations, and achieve the purposes of
21 this section, with measurable objectives and
22 timelines, and identification of resource and
23 staffing needs.

24 (3) AUTHORIZATION OF APPROPRIATIONS.—To
25 carry out the activities described in paragraph (1),

1 there is authorized to be appropriated \$24,000,000
2 for each fiscal years 2011 through 2015.

3 (c) IMPROVING FOOD SAFETY AND DEFENSE CAPAC-
4 ITY AT THE STATE AND LOCAL LEVEL.—

5 (1) IN GENERAL.—The Secretary shall develop
6 and implement strategies to leverage and enhance
7 the food safety and defense capacities of State and
8 local agencies in order to achieve the following goals:

9 (A) Improve foodborne illness outbreak re-
10 sponse and containment.

11 (B) Accelerate foodborne illness surveil-
12 lance and outbreak investigation, including
13 rapid shipment of clinical isolates from clinical
14 laboratories to appropriate State laboratories,
15 and conducting more standardized illness out-
16 break interviews.

17 (C) Strengthen the capacity of State and
18 local agencies to carry out inspections and en-
19 force safety standards.

20 (D) Improve the effectiveness of Federal,
21 State, and local partnerships to coordinate food
22 safety and defense resources and reduce the in-
23 cidence of foodborne illness.

24 (E) Share information on a timely basis
25 among public health and food regulatory agen-

1 cies, with the food industry, with health care
2 providers, and with the public.

3 (F) Strengthen the capacity of State and
4 local agencies to achieve the goals described in
5 section 6108.

6 (2) REVIEW.—In developing of the strategies
7 required by paragraph (1), the Secretary shall, not
8 later than 1 year after the date of enactment of the
9 FDA Food Safety Modernization Act, complete a re-
10 view of State and local capacities, and needs for en-
11 hancement, which may include a survey with respect
12 to—

13 (A) staffing levels and expertise available
14 to perform food safety and defense functions;

15 (B) laboratory capacity to support surveil-
16 lance, outbreak response, inspection, and en-
17 forcement activities;

18 (C) information systems to support data
19 management and sharing of food safety and de-
20 fense information among State and local agen-
21 cies and with counterparts at the Federal level;
22 and

23 (D) other State and local activities and
24 needs as determined appropriate by the Sec-
25 retary.

1 (d) FOOD SAFETY CAPACITY BUILDING GRANTS.—
2 Section 317R(b) of the Public Health Service Act (42
3 U.S.C. 247b–20(b)) is amended—

4 (1) by striking “2002” and inserting “2010”;
5 and

6 (2) by striking “2003 through 2006” and in-
7 serting “2011 through 2015”.

8 **SEC. 6206. MANDATORY RECALL AUTHORITY.**

9 (a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et
10 seq.), as amended by section 6202, is amended by adding
11 at the end the following:

12 **“SEC. 423. MANDATORY RECALL AUTHORITY.**

13 “(a) VOLUNTARY PROCEDURES.—If the Secretary
14 determines, based on information gathered through the re-
15 portable food registry under section 417 or through any
16 other means, that there is a reasonable probability that
17 an article of food (other than infant formula) is adulter-
18 ated under section 402 or misbranded under section
19 403(w) and the use of or exposure to such article will
20 cause serious adverse health consequences or death to hu-
21 mans or animals, the Secretary shall provide the respon-
22 sible party (as defined in section 417) with an opportunity
23 to cease distribution and recall such article.

24 “(b) PREHEARING ORDER TO CEASE DISTRIBUTION
25 AND GIVE NOTICE.—

1 “(1) IN GENERAL.—If the responsible party re-
2 fuses to or does not voluntarily cease distribution or
3 recall such article within the time and in the manner
4 prescribed by the Secretary (if so prescribed), the
5 Secretary may, by order require, as the Secretary
6 deems necessary, such person to—

7 “(A) immediately cease distribution of
8 such article; and

9 “(B) as applicable, immediately notify all
10 persons—

11 “(i) manufacturing, processing, pack-
12 ing, transporting, distributing, receiving,
13 holding, or importing and selling such arti-
14 cle; and

15 “(ii) to which such article has been
16 distributed, transported, or sold, to imme-
17 diately cease distribution of such article.

18 “(2) REQUIRED ADDITIONAL INFORMATION.—

19 “(A) IN GENERAL.—If an article of food
20 covered by a recall order issued under para-
21 graph (1)(B) has been distributed to a ware-
22 house-based third-party logistics provider with-
23 out providing such provider sufficient informa-
24 tion to know or reasonably determine the pre-
25 cise identity of the article of food covered by a

1 recall order that is in its possession, the notice
2 provided by the responsible party subject to the
3 order issued under paragraph (1)(B) shall in-
4 clude such information as is necessary for the
5 warehouse-based third-party logistics provider
6 to identify the food.

7 “(B) RULES OF CONSTRUCTION.—Nothing
8 in this paragraph shall be construed—

9 “(i) to exempt a warehouse-based
10 third-party logistics provider from the re-
11 quirements of this Act, including the re-
12 quirements in this section and section 414;
13 or

14 “(ii) to exempt a warehouse-based
15 third party logistics provider from being
16 the subject of a mandatory recall order.

17 “(3) DETERMINATION TO LIMIT AREAS AF-
18 FECTED.—If the Secretary requires a responsible
19 party to cease distribution under paragraph (1)(A)
20 of an article of food identified in subsection (a), the
21 Secretary may limit the size of the geographic area
22 and the markets affected by such cessation if such
23 limitation would not compromise the public health.

24 “(c) HEARING ON ORDER.—The Secretary shall pro-
25 vide the responsible party subject to an order under sub-

1 section (b) with an opportunity for an informal hearing,
2 to be held as soon as possible, but not later than 2 days
3 after the issuance of the order, on the actions required
4 by the order and on why the article that is the subject
5 of the order should not be recalled.

6 “(d) POST-HEARING RECALL ORDER AND MODIFICA-
7 TION OF ORDER.—

8 “(1) AMENDMENT OF ORDER.—If, after pro-
9 viding opportunity for an informal hearing under
10 subsection (c), the Secretary determines that re-
11 moval of the article from commerce is necessary, the
12 Secretary shall, as appropriate—

13 “(A) amend the order to require recall of
14 such article or other appropriate action;

15 “(B) specify a timetable in which the recall
16 shall occur;

17 “(C) require periodic reports to the Sec-
18 retary describing the progress of the recall; and

19 “(D) provide notice to consumers to whom
20 such article was, or may have been, distributed.

21 “(2) VACATING OF ORDER.—If, after such hear-
22 ing, the Secretary determines that adequate grounds
23 do not exist to continue the actions required by the
24 order, or that such actions should be modified, the
25 Secretary shall vacate the order or modify the order.

1 “(e) RULE REGARDING ALCOHOLIC BEVERAGES.—
2 The Secretary shall not initiate a mandatory recall or take
3 any other action under this section with respect to any
4 alcohol beverage until the Secretary has provided the Alco-
5 hol and Tobacco Tax and Trade Bureau with a reasonable
6 opportunity to cease distribution and recall such article
7 under the Alcohol and Tobacco Tax and Trade Bureau
8 authority.

9 “(f) COOPERATION AND CONSULTATION.—The Sec-
10 retary shall work with State and local public health offi-
11 cials in carrying out this section, as appropriate.

12 “(g) PUBLIC NOTIFICATION.—In conducting a recall
13 under this section, the Secretary shall—

14 “(1) ensure that a press release is published re-
15 garding the recall, as well as alerts and public no-
16 tices, as appropriate, in order to provide notifica-
17 tion—

18 “(A) of the recall to consumers and retail-
19 ers to whom such article was, or may have
20 been, distributed; and

21 “(B) that includes, at a minimum—

22 “(i) the name of the article of food
23 subject to the recall;

24 “(ii) a description of the risk associ-
25 ated with such article; and

1 “(iii) to the extent practicable, infor-
2 mation for consumers about similar arti-
3 cles of food that are not affected by the re-
4 call;

5 “(2) consult the policies of the Department of
6 Agriculture regarding providing to the public a list
7 of retail consignees receiving products involved in a
8 Class I recall and shall consider providing such a list
9 to the public, as determined appropriate by the Sec-
10 retary; and

11 “(3) if available, publish on the Internet Web
12 site of the Food and Drug Administration an image
13 of the article that is the subject of the press release
14 described in paragraph (1).

15 “(h) NO DELEGATION.—The authority conferred by
16 this section to order a recall or vacate a recall order shall
17 not be delegated to any officer or employee other than the
18 Commissioner.

19 “(i) EFFECT.—Nothing in this section shall affect the
20 authority of the Secretary to request or participate in a
21 voluntary recall, or to issue an order to cease distribution
22 or to recall under any other provision of this Act or under
23 the Public Health Service Act.

24 “(j) COORDINATED COMMUNICATION.—

1 “(1) IN GENERAL.—To assist in carrying out
2 the requirements of this subsection, the Secretary
3 shall establish an incident command operation or a
4 similar operation within the Department of Health
5 and Human Services that will operate not later than
6 24 hours after the initiation of a mandatory recall
7 or the recall of an article of food for which the use
8 of, or exposure to, such article will cause serious ad-
9 verse health consequences or death to humans or
10 animals.

11 “(2) REQUIREMENTS.—To reduce the potential
12 for miscommunication during recalls or regarding in-
13 vestigations of a foodborne illness outbreak associ-
14 ated with a food that is subject to a recall, each inci-
15 dent command operation or similar operation under
16 paragraph (1) shall use regular staff and resources
17 of the Department of Health and Human Services
18 to—

19 “(A) ensure timely and coordinated com-
20 munication within the Department, including
21 enhanced communication and coordination be-
22 tween different agencies and organizations with-
23 in the Department;

24 “(B) ensure timely and coordinated com-
25 munication from the Department, including

1 public statements, throughout the duration of
2 the investigation and related foodborne illness
3 outbreak;

4 “(C) identify a single point of contact
5 within the Department for public inquiries re-
6 garding any actions by the Secretary related to
7 a recall;

8 “(D) coordinate with Federal, State, local,
9 and tribal authorities, as appropriate, that have
10 responsibilities related to the recall of a food or
11 a foodborne illness outbreak associated with a
12 food that is subject to the recall, including noti-
13 fication of the Secretary of Agriculture and the
14 Secretary of Education in the event such re-
15 called food is a commodity intended for use in
16 a child nutrition program (as identified in sec-
17 tion 25(b) of the Richard B. Russell National
18 School Lunch Act (42 U.S.C. 1769f(b)); and

19 “(E) conclude operations at such time as
20 the Secretary determines appropriate.

21 “(3) MULTIPLE RECALLS.—The Secretary may
22 establish multiple or concurrent incident command
23 operations or similar operations in the event of mul-
24 tiple recalls or foodborne illness outbreaks necessi-

1 tating such action by the Department of Health and
2 Human Services.”.

3 (b) SEARCH ENGINE.—Not later than 90 days after
4 the date of enactment of this Act, the Secretary shall mod-
5 ify the Internet Web site of the Food and Drug Adminis-
6 tration to include a search engine that—

7 (1) is consumer-friendly, as determined by the
8 Secretary; and

9 (2) provides a means by which an individual
10 may locate relevant information regarding each arti-
11 cle of food subject to a recall under section 423 of
12 the Federal Food, Drug, and Cosmetic Act and the
13 status of such recall (such as whether a recall is on-
14 going or has been completed).

15 (c) CIVIL PENALTY.—Section 303(f)(2)(A) (21
16 U.S.C. 333(f)(2)(A)) is amended by inserting “or any per-
17 son who does not comply with a recall order under section
18 423” after “section 402(a)(2)(B)”.

19 (d) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331
20 et seq.), as amended by section 6106, is amended by add-
21 ing at the end the following:

22 “(xx) The refusal or failure to follow an order under
23 section 423.”.

24 (e) GAO REVIEW.—

1 (1) IN GENERAL.—Not later than 90 days after
2 the date of enactment of this Act, the Comptroller
3 General of the United States shall submit to Con-
4 gress a report that—

5 (A) identifies State and local agencies with
6 the authority to require the mandatory recall of
7 food, and evaluates use of such authority with
8 regard to frequency, effectiveness, and appro-
9 priateness, including consideration of any new
10 or existing mechanisms available to compensate
11 persons for general and specific recall-related
12 costs when a recall is subsequently determined
13 by the relevant authority to have been an error;

14 (B) identifies Federal agencies, other than
15 the Department of Health and Human Services,
16 with mandatory recall authority and examines
17 use of that authority with regard to frequency,
18 effectiveness, and appropriateness, including
19 any new or existing mechanisms available to
20 compensate persons for general and specific re-
21 call-related costs when a recall is subsequently
22 determined by the relevant agency to have been
23 an error;

1 (C) considers models for farmer restitution
2 implemented in other nations in cases of erro-
3 neous recalls; and

4 (D) makes recommendations to the Sec-
5 retary regarding use of the authority under sec-
6 tion 423 of the Federal Food, Drug, and Cos-
7 metic Act (as added by this section) to protect
8 the public health while seeking to minimize un-
9 necessary economic costs.

10 (2) EFFECT OF REVIEW.—If the Comptroller
11 General of the United States finds, after the review
12 conducted under paragraph (1), that the mecha-
13 nisms described in such paragraph do not exist or
14 are inadequate, then, not later than 90 days after
15 the conclusion of such review, the Secretary of Agri-
16 culture shall conduct a study of the feasibility of im-
17 plementing a farmer indemnification program to
18 provide restitution to agricultural producers for
19 losses sustained as a result of a mandatory recall of
20 an agricultural commodity by a Federal or State
21 regulatory agency that is subsequently determined to
22 be in error. The Secretary of Agriculture shall sub-
23 mit to the Committee on Agriculture of the House
24 of Representatives and the Committee on Agri-
25 culture, Nutrition, and Forestry of the Senate a re-

1 port that describes the results of the study, includ-
2 ing any recommendations.

3 (f) ANNUAL REPORT TO CONGRESS.—

4 (1) IN GENERAL.—Not later than 2 years after
5 the date of enactment of this Act and annually
6 thereafter, the Secretary of Health and Human
7 Services (referred to in this subsection as the “Sec-
8 retary”) shall submit a report to the Committee on
9 Health, Education, Labor, and Pensions of the Sen-
10 ate and the Committee on Energy and Commerce of
11 the House of Representatives on the use of recall au-
12 thority under section 423 of the Federal Food,
13 Drug, and Cosmetic Act (as added by subsection
14 (a)) and any public health advisories issued by the
15 Secretary that advise against the consumption of an
16 article of food on the ground that the article of food
17 is adulterated and poses an imminent danger to
18 health.

19 (2) CONTENT.—The report under paragraph
20 (1) shall include, with respect to the report year—

21 (A) the identity of each article of food that
22 was the subject of a public health advisory de-
23 scribed in paragraph (1), an opportunity to
24 cease distribution and recall under subsection
25 (a) of section 423 of the Federal Food, Drug,

1 and Cosmetic Act, or a mandatory recall order
2 under subsection (b) of such section;

3 (B) the number of responsible parties, as
4 defined in section 417 of the Federal Food,
5 Drug, and Cosmetic Act, formally given the op-
6 portunity to cease distribution of an article of
7 food and recall such article, as described in sec-
8 tion 423(a) of such Act;

9 (C) the number of responsible parties de-
10 scribed in subparagraph (B) who did not cease
11 distribution of or recall an article of food after
12 given the opportunity to cease distribution or
13 recall under section 423(a) of the Federal
14 Food, Drug, and Cosmetic Act;

15 (D) the number of recall orders issued
16 under section 423(b) of the Federal Food,
17 Drug, and Cosmetic Act; and

18 (E) a description of any instances in which
19 there was no testing that confirmed adultera-
20 tion of an article of food that was the subject
21 of a recall under section 423(b) of the Federal
22 Food, Drug, and Cosmetic Act or a public
23 health advisory described in paragraph (1).

1 **SEC. 6207. ADMINISTRATIVE DETENTION OF FOOD.**

2 (a) IN GENERAL.—Section 304(h)(1)(A) (21 U.S.C.
3 334(h)(1)(A)) is amended by—

4 (1) striking “credible evidence or information
5 indicating” and inserting “reason to believe”; and

6 (2) striking “presents a threat of serious ad-
7 verse health consequences or death to humans or
8 animals” and inserting “is adulterated or mis-
9 branded”.

10 (b) REGULATIONS.—Not later than 120 days after
11 the date of enactment of this Act, the Secretary shall issue
12 an interim final rule amending subpart K of part 1 of title
13 21, Code of Federal Regulations, to implement the amend-
14 ment made by this section.

15 (c) EFFECTIVE DATE.—The amendment made by
16 this section shall take effect 180 days after the date of
17 enactment of this Act.

18 **SEC. 6208. DECONTAMINATION AND DISPOSAL STANDARDS**
19 **AND PLANS.**

20 (a) IN GENERAL.—The Administrator of the Envi-
21 ronmental Protection Agency (referred to in this section
22 as the “Administrator”), in coordination with the Sec-
23 retary of Health and Human Services, Secretary of Home-
24 land Security, and Secretary of Agriculture, shall provide
25 support for, and technical assistance to, State, local, and
26 tribal governments in preparing for, assessing, decontami-

1 nating, and recovering from an agriculture or food emer-
2 gency.

3 (b) DEVELOPMENT OF STANDARDS.—In carrying out
4 subsection (a), the Administrator, in coordination with the
5 Secretary of Health and Human Services, Secretary of
6 Homeland Security, Secretary of Agriculture, and State,
7 local, and tribal governments, shall develop and dissemi-
8 nate specific standards and protocols to undertake clean-
9 up, clearance, and recovery activities following the decon-
10 tamination and disposal of specific threat agents and for-
11 eign animal diseases.

12 (c) DEVELOPMENT OF MODEL PLANS.—In carrying
13 out subsection (a), the Administrator, the Secretary of
14 Health and Human Services, and the Secretary of Agri-
15 culture shall jointly develop and disseminate model plans
16 for—

17 (1) the decontamination of individuals, equip-
18 ment, and facilities following an intentional contami-
19 nation of agriculture or food; and

20 (2) the disposal of large quantities of animals,
21 plants, or food products that have been infected or
22 contaminated by specific threat agents and foreign
23 animal diseases.

24 (d) EXERCISES.—In carrying out subsection (a), the
25 Administrator, in coordination with the entities described

1 under subsection (b), shall conduct exercises at least annu-
2 ally to evaluate and identify weaknesses in the decon-
3 tamination and disposal model plans described in sub-
4 section (c). Such exercises shall be carried out, to the max-
5 imum extent practicable, as part of the national exercise
6 program under section 648(b)(1) of the Post-Katrina
7 Emergency Management Reform Act of 2006 (6 U.S.C.
8 748(b)(1)).

9 (e) MODIFICATIONS.—Based on the exercises de-
10 scribed in subsection (d), the Administrator, in coordina-
11 tion with the entities described in subsection (b), shall re-
12 view and modify as necessary the plans described in sub-
13 section (c) not less frequently than biennially.

14 (f) PRIORITIZATION.—The Administrator, in coordi-
15 nation with the entities described in subsection (b), shall
16 develop standards and plans under subsections (b) and (c)
17 in an identified order of priority that takes into account—

18 (1) highest risk biological, chemical, and radio-
19 logical threat agents;

20 (2) agents that could cause the greatest eco-
21 nomic devastation to the agriculture and food sys-
22 tem; and

23 (3) agents that are most difficult to clean or re-
24 mediate.

1 **SEC. 6209. IMPROVING THE TRAINING OF STATE, LOCAL,**
2 **TERRITORIAL, AND TRIBAL FOOD SAFETY OF-**
3 **FICIALS.**

4 (a) IMPROVING TRAINING.—Chapter X (21 U.S.C.
5 391 et seq.) is amended by adding at the end the fol-
6 lowing:

7 **“SEC. 1012. IMPROVING THE TRAINING OF STATE, LOCAL,**
8 **TERRITORIAL, AND TRIBAL FOOD SAFETY OF-**
9 **FICIALS.**

10 “(a) TRAINING.—The Secretary shall set standards
11 and administer training and education programs for the
12 employees of State, local, territorial, and tribal food safety
13 officials relating to the regulatory responsibilities and poli-
14 cies established by this Act, including programs for—

15 “(1) scientific training;

16 “(2) training to improve the skill of officers and
17 employees authorized to conduct inspections under
18 sections 702 and 704;

19 “(3) training to achieve advanced product or
20 process specialization in such inspections;

21 “(4) training that addresses best practices;

22 “(5) training in administrative process and pro-
23 cedure and integrity issues;

24 “(6) training in appropriate sampling and lab-
25 oratory analysis methodology; and

1 “(7) training in building enforcement actions
2 following inspections, examinations, testing, and in-
3 vestigations.

4 “(b) PARTNERSHIPS WITH STATE AND LOCAL OFFI-
5 CIALS.—

6 “(1) IN GENERAL.—The Secretary, pursuant to
7 a contract or memorandum of understanding be-
8 tween the Secretary and the head of a State, local,
9 territorial, or tribal department or agency, is author-
10 ized and encouraged to conduct examinations, test-
11 ing, and investigations for the purposes of deter-
12 mining compliance with the food safety provisions of
13 this Act through the officers and employees of such
14 State, local, territorial, or tribal department or agen-
15 cy.

16 “(2) CONTENT.—A contract or memorandum
17 described under paragraph (1) shall include provi-
18 sions to ensure adequate training of such officers
19 and employees to conduct such examinations, test-
20 ing, and investigations. The contract or memo-
21 randum shall contain provisions regarding reim-
22 bursement. Such provisions may, at the sole discre-
23 tion of the head of the other department or agency,
24 require reimbursement, in whole or in part, from the
25 Secretary for the examinations, testing, or investiga-

1 tions performed pursuant to this section by the offi-
2 cers or employees of the State, territorial, or tribal
3 department or agency.

4 “(3) EFFECT.—Nothing in this subsection shall
5 be construed to limit the authority of the Secretary
6 under section 702.

7 “(c) EXTENSION SERVICE.—The Secretary shall en-
8 sure coordination with the extension activities of the Na-
9 tional Institute of Food and Agriculture of the Depart-
10 ment of Agriculture in advising producers and small proc-
11 essors transitioning into new practices required as a result
12 of the enactment of the FDA Food Safety Modernization
13 Act and assisting regulated industry with compliance with
14 such Act.

15 “(d) NATIONAL FOOD SAFETY TRAINING, EDU-
16 CATION, EXTENSION, OUTREACH, AND TECHNICAL AS-
17 SISTANCE PROGRAM.—

18 “(1) IN GENERAL.—In order to improve food
19 safety and reduce the incidence of foodborne illness,
20 the Secretary shall, not later than 180 days after
21 the date of enactment of the FDA Food Safety Mod-
22 ernization Act, enter into one or more memoranda of
23 understanding, or enter into other cooperative agree-
24 ments, with the Secretary of Agriculture to establish
25 a competitive grant program within the National In-

1 stitute for Food and Agriculture to provide food
2 safety training, education, extension, outreach, and
3 technical assistance to—

4 “(A) owners and operators of farms;

5 “(B) small food processors; and

6 “(C) small fruit and vegetable merchant
7 wholesalers.

8 “(2) IMPLEMENTATION.—The competitive grant
9 program established under paragraph (1) shall be
10 carried out in accordance with section 405 of the
11 Agricultural Research, Extension, and Education
12 Reform Act of 1998.

13 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated such sums as may be
15 necessary to carry out this section for fiscal years 2011
16 through 2015.”.

17 (b) NATIONAL FOOD SAFETY TRAINING, EDU-
18 CATION, EXTENSION, OUTREACH, AND TECHNICAL AS-
19 SISTANCE PROGRAM.—Title IV of the Agricultural Re-
20 search, Extension, and Education Reform Act of 1998 is
21 amended by inserting after section 404 (7 U.S.C. 7624)
22 the following:

1 **“SEC. 405. NATIONAL FOOD SAFETY TRAINING, EDUCATION,**
2 **EXTENSION, OUTREACH, AND TECHNICAL AS-**
3 **SISTANCE PROGRAM.**

4 “(a) IN GENERAL.—The Secretary shall award
5 grants under this section to carry out the competitive
6 grant program established under section 1012(d) of the
7 Federal Food, Drug, and Cosmetic Act, pursuant to any
8 memoranda of understanding entered into under such sec-
9 tion.

10 “(b) INTEGRATED APPROACH.—The grant program
11 described under subsection (a) shall be carried out under
12 this section in a manner that facilitates the integration
13 of food safety standards and guidance with the variety of
14 agricultural production systems, encompassing conven-
15 tional, sustainable, organic, conservation, and environ-
16 mental practices.

17 “(c) PRIORITY.—In awarding grants under this sec-
18 tion, the Secretary shall give priority to projects that tar-
19 get small- and medium-sized farms, beginning farmers, so-
20 cially disadvantaged farmers, small processors, or small
21 fresh fruit and vegetable merchant wholesalers.

22 “(d) PROGRAM COORDINATION.—

23 “(1) IN GENERAL.—The Secretary shall coordi-
24 nate implementation of the grant program under
25 this section with the National Integrated Food Safe-
26 ty Initiative.

1 “(2) INTERACTION.—The Secretary shall—

2 “(A) in carrying out the grant program
3 under this section, take into consideration ap-
4 plied research, education, and extension results
5 obtained from the National Integrated Food
6 Safety Initiative; and

7 “(B) in determining the applied research
8 agenda for the National Integrated Food Safety
9 Initiative, take into consideration the needs ar-
10 ticulated by participants in projects funded by
11 the program under this section.

12 “(e) GRANTS.—

13 “(1) IN GENERAL.—In carrying out this sec-
14 tion, the Secretary shall make competitive grants to
15 support training, education, extension, outreach, and
16 technical assistance projects that will help improve
17 public health by increasing the understanding and
18 adoption of established food safety standards, guid-
19 ance, and protocols.

20 “(2) ENCOURAGED FEATURES.—The Secretary
21 shall encourage projects carried out using grant
22 funds under this section to include co-management
23 of food safety, conservation systems, and ecological
24 health.

25 “(3) MAXIMUM TERM AND SIZE OF GRANT.—

1 “(A) IN GENERAL.—A grant under this
2 section shall have a term that is not more than
3 3 years.

4 “(B) LIMITATION ON GRANT FUNDING.—
5 The Secretary may not provide grant funding to
6 an entity under this section after such entity
7 has received 3 years of grant funding under
8 this section.

9 “(f) GRANT ELIGIBILITY.—

10 “(1) IN GENERAL.—To be eligible for a grant
11 under this section, an entity shall be—

12 “(A) a State cooperative extension service;

13 “(B) a Federal, State, local, or tribal agen-
14 cy, a nonprofit community-based or nongovern-
15 mental organization, or an organization rep-
16 resenting owners and operators of farms, small
17 food processors, or small fruit and vegetable
18 merchant wholesalers that has a commitment to
19 public health and expertise in administering
20 programs that contribute to food safety;

21 “(C) an institution of higher education (as
22 defined in section 101(a) of the Higher Edu-
23 cation Act of 1965 (20 U.S.C. 1001(a))) or a
24 foundation maintained by an institution of
25 higher education;

1 “(D) a collaboration of 2 or more eligible
2 entities described in this subsection; or

3 “(E) such other appropriate entity, as de-
4 termined by the Secretary.

5 “(2) MULTISTATE PARTNERSHIPS.—Grants
6 under this section may be made for projects involv-
7 ing more than 1 State.

8 “(g) REGIONAL BALANCE.—In making grants under
9 this section, the Secretary shall, to the maximum extent
10 practicable, ensure—

11 “(1) geographic diversity; and

12 “(2) diversity of types of agricultural produc-
13 tion.

14 “(h) TECHNICAL ASSISTANCE.—The Secretary may
15 use funds made available under this section to provide
16 technical assistance to grant recipients to further the pur-
17 poses of this section.

18 “(i) BEST PRACTICES AND MODEL PROGRAMS.—
19 Based on evaluations of, and responses arising from,
20 projects funded under this section, the Secretary may
21 issue a set of recommended best practices and models for
22 food safety training programs for agricultural producers,
23 small food processors, and small fresh fruit and vegetable
24 merchant wholesalers.

1 “(j) AUTHORIZATION OF APPROPRIATIONS.—For the
2 purposes of making grants under this section, there are
3 authorized to be appropriated such sums as may be nec-
4 essary for fiscal years 2011 through 2015.”.

5 **SEC. 6210. ENHANCING FOOD SAFETY.**

6 (a) GRANTS TO ENHANCE FOOD SAFETY.—Section
7 1009 of the Federal Food, Drug, and Cosmetic Act (21
8 U.S.C. 399) is amended to read as follows:

9 **“SEC. 1009. GRANTS TO ENHANCE FOOD SAFETY.**

10 “(a) IN GENERAL.—The Secretary is authorized to
11 make grants to eligible entities to—

12 “(1) undertake examinations, inspections, inves-
13 tigation, and related food safety activities under
14 section 702;

15 “(2) train to the standards of the Secretary for
16 the examination, inspection, and investigation of
17 food manufacturing, processing, packing, holding,
18 distribution, and importation, including as such ex-
19 amination, inspection, and investigation relate to re-
20 tail food establishments;

21 “(3) build the food safety capacity of the lab-
22 oratories of such eligible entity, including the detec-
23 tion of zoonotic diseases;

24 “(4) build the infrastructure and capacity of
25 the food safety programs of such eligible entity to

1 meet the standards as outlined in the grant applica-
2 tion; and

3 “(5) take appropriate action to protect the pub-
4 lic health in response to—

5 “(A) a notification under section 1008, in-
6 cluding planning and otherwise preparing to
7 take such action; or

8 “(B) a recall of food under this Act.

9 “(b) ELIGIBLE ENTITIES; APPLICATION.—

10 “(1) IN GENERAL.—In this section, the term
11 ‘eligible entity’ means an entity—

12 “(A) that is—

13 “(i) a State;

14 “(ii) a locality;

15 “(iii) a territory;

16 “(iv) an Indian tribe (as defined in
17 section 4(e) of the Indian Self-Determina-
18 tion and Education Assistance Act); or

19 “(v) a nonprofit food safety training
20 entity that collaborates with 1 or more in-
21 stitutions of higher education; and

22 “(B) that submits an application to the
23 Secretary at such time, in such manner, and in-
24 cluding such information as the Secretary may
25 reasonably require.

1 “(2) CONTENTS.—Each application submitted
2 under paragraph (1) shall include—

3 “(A) an assurance that the eligible entity
4 has developed plans to engage in the types of
5 activities described in subsection (a);

6 “(B) a description of the types of activities
7 to be funded by the grant;

8 “(C) an itemization of how grant funds re-
9 ceived under this section will be expended;

10 “(D) a description of how grant activities
11 will be monitored; and

12 “(E) an agreement by the eligible entity to
13 report information required by the Secretary to
14 conduct evaluations under this section.

15 “(c) LIMITATIONS.—The funds provided under sub-
16 section (a) shall be available to an eligible entity that re-
17 ceives a grant under this section only to the extent such
18 entity funds the food safety programs of such entity inde-
19 pendently of any grant under this section in each year of
20 the grant at a level equal to the level of such funding in
21 the previous year, increased by the Consumer Price Index.
22 Such non-Federal matching funds may be provided di-
23 rectly or through donations from public or private entities
24 and may be in cash or in-kind, fairly evaluated, including
25 plant, equipment, or services.

1 “(d) ADDITIONAL AUTHORITY.—The Secretary
2 may—

3 “(1) award a grant under this section in each
4 subsequent fiscal year without reapplication for a pe-
5 riod of not more than 3 years, provided the require-
6 ments of subsection (c) are met for the previous fis-
7 cal year; and

8 “(2) award a grant under this section in a fis-
9 cal year for which the requirement of subsection (c)
10 has not been met only if such requirement was not
11 met because such funding was diverted for response
12 to 1 or more natural disasters or in other extenu-
13 ating circumstances that the Secretary may deter-
14 mine appropriate.

15 “(e) DURATION OF AWARDS.—The Secretary may
16 award grants to an individual grant recipient under this
17 section for periods of not more than 3 years. In the event
18 the Secretary conducts a program evaluation, funding in
19 the second year or third year of the grant, where applica-
20 ble, shall be contingent on a successful program evaluation
21 by the Secretary after the first year.

22 “(f) PROGRESS AND EVALUATION.—

23 “(1) IN GENERAL.—The Secretary shall meas-
24 ure the status and success of each grant program
25 authorized under the FDA Food Safety Moderniza-

1 tion Act (and any amendment made by such Act),
2 including the grant program under this section. A
3 recipient of a grant described in the preceding sen-
4 tence shall, at the end of each grant year, provide
5 the Secretary with information on how grant funds
6 were spent and the status of the efforts by such re-
7 cipient to enhance food safety. To the extent prac-
8 ticable, the Secretary shall take the performance of
9 such a grant recipient into account when deter-
10 mining whether to continue funding for such recipi-
11 ent.

12 “(2) NO DUPLICATION.—In carrying out para-
13 graph (1), the Secretary shall not duplicate the ef-
14 forts of the Secretary under other provisions of this
15 Act or the FDA Food Safety Modernization Act that
16 require measurement and review of the activities of
17 grant recipients under either such Act.

18 “(g) SUPPLEMENT NOT SUPPLANT.—Grant funds
19 received under this section shall be used to supplement,
20 and not supplant, non-Federal funds and any other Fed-
21 eral funds available to carry out the activities described
22 in this section.

23 “(h) AUTHORIZATION OF APPROPRIATIONS.—For the
24 purpose of making grants under this section, there are au-

1 thORIZED to be appropriated such sums as may be nec-
 2 essary for fiscal years 2011 through 2015.”.

3 (b) CENTERS OF EXCELLENCE.—Part P of the Pub-
 4 lic Health Service Act (42 U.S.C. 280g et seq.) is amended
 5 by adding at the end the following:

6 **“SEC. 399V-5. FOOD SAFETY INTEGRATED CENTERS OF EX-**
 7 **CELLENCE.**

8 “(a) IN GENERAL.—Not later than 1 year after the
 9 date of enactment of the FDA Food Safety Modernization
 10 Act, the Secretary, acting through the Director of the Cen-
 11 ters for Disease Control and Prevention and in consulta-
 12 tion with the working group described in subsection (b)(2),
 13 shall designate 5 Integrated Food Safety Centers of Excel-
 14 lence (referred to in this section as the ‘Centers of Excel-
 15 lence’) to serve as resources for Federal, State, and local
 16 public health professionals to respond to foodborne illness
 17 outbreaks. The Centers of Excellence shall be
 18 headquartered at selected State health departments.

19 “(b) SELECTION OF CENTERS OF EXCELLENCE.—

20 “(1) ELIGIBLE ENTITIES.—To be eligible to be
 21 designated as a Center of Excellence under sub-
 22 section (a), an entity shall—

23 “(A) be a State health department;

24 “(B) partner with 1 or more institutions of
 25 higher education that have demonstrated knowl-

1 edge, expertise, and meaningful experience with
2 regional or national food production, processing,
3 and distribution, as well as leadership in the
4 laboratory, epidemiological, and environmental
5 detection and investigation of foodborne illness;
6 and

7 “(C) provide to the Secretary such infor-
8 mation, at such time, and in such manner, as
9 the Secretary may require.

10 “(2) WORKING GROUP.—Not later than 180
11 days after the date of enactment of the FDA Food
12 Safety Modernization Act, the Secretary shall estab-
13 lish a diverse working group of experts and stake-
14 holders from Federal, State, and local food safety
15 and health agencies, the food industry, including
16 food retailers and food manufacturers, consumer or-
17 ganizations, and academia to make recommendations
18 to the Secretary regarding designations of the Cen-
19 ters of Excellence.

20 “(3) ADDITIONAL CENTERS OF EXCELLENCE.—
21 The Secretary may designate eligible entities to be
22 regional Food Safety Centers of Excellence, in addi-
23 tion to the 5 Centers designated under subsection
24 (a).

1 “(c) ACTIVITIES.—Under the leadership of the Direc-
2 tor of the Centers for Disease Control and Prevention,
3 each Center of Excellence shall be based out of a selected
4 State health department, which shall provide assistance to
5 other regional, State, and local departments of health
6 through activities that include—

7 “(1) providing resources, including timely infor-
8 mation concerning symptoms and tests, for frontline
9 health professionals interviewing individuals as part
10 of routine surveillance and outbreak investigations;

11 “(2) providing analysis of the timeliness and ef-
12 fectiveness of foodborne disease surveillance and out-
13 break response activities;

14 “(3) providing training for epidemiological and
15 environmental investigation of foodborne illness, in-
16 cluding suggestions for streamlining and standard-
17 izing the investigation process;

18 “(4) establishing fellowships, stipends, and
19 scholarships to train future epidemiological and
20 food-safety leaders and to address critical workforce
21 shortages;

22 “(5) training and coordinating State and local
23 personnel;

1 “(6) strengthening capacity to participate in ex-
2 isting or new foodborne illness surveillance and envi-
3 ronmental assessment information systems; and

4 “(7) conducting research and outreach activities
5 focused on increasing prevention, communication,
6 and education regarding food safety.

7 “(d) REPORT TO CONGRESS.—Not later than 2 years
8 after the date of enactment of the FDA Food Safety Mod-
9 ernization Act, the Secretary shall submit to Congress a
10 report that—

11 “(1) describes the effectiveness of the Centers
12 of Excellence; and

13 “(2) provides legislative recommendations or
14 describes additional resources required by the Cen-
15 ters of Excellence.

16 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
17 is authorized to be appropriated such sums as may be nec-
18 essary to carry out this section.

19 “(f) NO DUPLICATION OF EFFORT.—In carrying out
20 activities of the Centers of Excellence or other programs
21 under this section, the Secretary shall not duplicate other
22 Federal foodborne illness response efforts.”.

23 **SEC. 6211. IMPROVING THE REPORTABLE FOOD REGISTRY.**

24 (a) IN GENERAL.—Section 417 (21 U.S.C. 350f) is
25 amended—

1 (1) by redesignating subsections (f) through (k)
2 as subsections (i) through (n), respectively; and

3 (2) by inserting after subsection (e) the fol-
4 lowing:

5 “(f) CRITICAL INFORMATION.—Except with respect
6 to fruits and vegetables that are raw agricultural commod-
7 ities, not more than 18 months after the date of enactment
8 of the FDA Food Safety Modernization Act, the Secretary
9 may require a responsible party to submit to the Secretary
10 consumer-oriented information regarding a reportable
11 food, which shall include—

12 “(1) a description of the article of food as pro-
13 vided in subsection (e)(3);

14 “(2) as provided in subsection (e)(7), affected
15 product identification codes, such as UPC, SKU, or
16 lot or batch numbers sufficient for the consumer to
17 identify the article of food;

18 “(3) contact information for the responsible
19 party as provided in subsection (e)(8); and

20 “(4) any other information the Secretary deter-
21 mines is necessary to enable a consumer to accu-
22 rately identify whether such consumer is in posses-
23 sion of the reportable food.

24 “(g) GROCERY STORE NOTIFICATION.—

1 “(1) ACTION BY SECRETARY.—The Secretary
2 shall—

3 “(A) prepare the critical information de-
4 scribed under subsection (f) for a reportable
5 food as a standardized one-page summary;

6 “(B) publish such one-page summary on
7 the Internet website of the Food and Drug Ad-
8 ministration in a format that can be easily
9 printed by a grocery store for purposes of con-
10 sumer notification.

11 “(2) ACTION BY GROCERY STORE.—A notifica-
12 tion described under paragraph (1)(B) shall include
13 the date and time such summary was posted on the
14 Internet website of the Food and Drug Administra-
15 tion.

16 “(h) CONSUMER NOTIFICATION.—

17 “(1) IN GENERAL.—If a grocery store sold a re-
18 portable food that is the subject of the posting and
19 such establishment is part of chain of establishments
20 with 15 or more physical locations, then such estab-
21 lishment shall, not later than 24 hours after a one
22 page summary described in subsection (g) is pub-
23 lished, prominently display such summary or the in-
24 formation from such summary via at least one of the

1 methods identified under paragraph (2) and main-
2 tain the display for 14 days.

3 “(2) LIST OF CONSPICUOUS LOCATIONS.—Not
4 more than 1 year after the date of enactment of the
5 FDA Food Safety Modernization Act, the Secretary
6 shall develop and publish a list of acceptable con-
7 spicuous locations and manners, from which grocery
8 stores shall select at least one, for providing the no-
9 tification required in paragraph (1). Such list shall
10 include—

11 “(A) posting the notification at or near the
12 register;

13 “(B) providing the location of the report-
14 able food;

15 “(C) providing targeted recall information
16 given to customers upon purchase of a food;
17 and

18 “(D) other such prominent and con-
19 spicuous locations and manners utilized by gro-
20 cery stores as of the date of the enactment of
21 the FDA Food Safety Modernization Act to
22 provide notice of such recalls to consumers as
23 considered appropriate by the Secretary.”.

1 (b) PROHIBITED ACT.—Section 301 (21 U.S.C. 331),
2 as amended by section 6206, is amended by adding at the
3 end the following:

4 “(yy) The knowing and willful failure to comply with
5 the notification requirement under section 417(h).”.

6 (c) CONFORMING AMENDMENT.—Section 301(e) (21
7 U.S.C. 331(e)) is amended by striking “417(g)” and in-
8 serting “417(j)”.

9 **TITLE III—IMPROVING THE**
10 **SAFETY OF IMPORTED FOOD**

11 **SEC. 6301. FOREIGN SUPPLIER VERIFICATION PROGRAM.**

12 (a) IN GENERAL.—Chapter VIII (21 U.S.C. 381 et
13 seq.) is amended by adding at the end the following:

14 **“SEC. 805. FOREIGN SUPPLIER VERIFICATION PROGRAM.**

15 “(a) IN GENERAL.—

16 “(1) VERIFICATION REQUIREMENT.—Except as
17 provided under subsections (e) and (f), each im-
18 porter shall perform risk-based foreign supplier
19 verification activities for the purpose of verifying
20 that the food imported by the importer or agent of
21 an importer is—

22 “(A) produced in compliance with the re-
23 quirements of section 418 or section 419, as ap-
24 propriate; and

1 “(B) is not adulterated under section 402
2 or misbranded under section 403(w).

3 “(2) IMPORTER DEFINED.—For purposes of
4 this section, the term ‘importer’ means, with respect
5 to an article of food—

6 “(A) the United States owner or consignee
7 of the article of food at the time of entry of
8 such article into the United States; or

9 “(B) in the case when there is no United
10 States owner or consignee as described in sub-
11 paragraph (A), the United States agent or rep-
12 resentative of a foreign owner or consignee of
13 the article of food at the time of entry of such
14 article into the United States.

15 “(b) GUIDANCE.—Not later than 1 year after the
16 date of enactment of the FDA Food Safety Modernization
17 Act, the Secretary shall issue guidance to assist importers
18 in developing foreign supplier verification programs.

19 “(c) REGULATIONS.—

20 “(1) IN GENERAL.—Not later than 1 year after
21 the date of enactment of the FDA Food Safety Mod-
22 ernization Act, the Secretary shall promulgate regu-
23 lations to provide for the content of the foreign sup-
24 plier verification program established under sub-
25 section (a).

1 “(2) REQUIREMENTS.—The regulations promul-
2 gated under paragraph (1)—

3 “(A) shall require that the foreign supplier
4 verification program of each importer be ade-
5 quate to provide assurances that each foreign
6 supplier to the importer produces the imported
7 food in compliance with—

8 “(i) processes and procedures, includ-
9 ing reasonably appropriate risk-based pre-
10 ventive controls, that provide the same
11 level of public health protection as those
12 required under section 418 or section 419
13 (taking into consideration variances grant-
14 ed under section 419), as appropriate; and

15 “(ii) section 402 and section 403(w).

16 “(B) shall include such other requirements
17 as the Secretary deems necessary and appro-
18 priate to verify that food imported into the
19 United States is as safe as food produced and
20 sold within the United States.

21 “(3) CONSIDERATIONS.—In promulgating regu-
22 lations under this subsection, the Secretary shall, as
23 appropriate, take into account differences among im-
24 porters and types of imported foods, including based
25 on the level of risk posed by the imported food.

1 “(4) ACTIVITIES.—Verification activities under
2 a foreign supplier verification program under this
3 section may include monitoring records for ship-
4 ments, lot-by-lot certification of compliance, annual
5 on-site inspections, checking the hazard analysis and
6 risk-based preventive control plan of the foreign sup-
7 plier, and periodically testing and sampling ship-
8 ments.

9 “(d) RECORD MAINTENANCE AND ACCESS.—Records
10 of an importer related to a foreign supplier verification
11 program shall be maintained for a period of not less than
12 2 years and shall be made available promptly to a duly
13 authorized representative of the Secretary upon request.

14 “(e) EXEMPTION OF SEAFOOD, JUICE, AND LOW-
15 ACID CANNED FOOD FACILITIES IN COMPLIANCE WITH
16 HACCP.—This section shall not apply to a facility if the
17 owner, operator, or agent in charge of such facility is re-
18 quired to comply with, and is in compliance with, 1 of the
19 following standards and regulations with respect to such
20 facility:

21 “(1) The Seafood Hazard Analysis Critical
22 Control Points Program of the Food and Drug Ad-
23 ministration.

1 “(2) The Juice Hazard Analysis Critical Con-
2 trol Points Program of the Food and Drug Adminis-
3 tration.

4 “(3) The Thermally Processed Low-Acid Foods
5 Packaged in Hermetically Sealed Containers stand-
6 ards of the Food and Drug Administration (or any
7 successor standards).

8 The exemption under paragraph (3) shall apply only with
9 respect to microbiological hazards that are regulated
10 under the standards for Thermally Processed Low-Acid
11 Foods Packaged in Hermetically Sealed Containers under
12 part 113 of chapter 21, Code of Federal Regulations (or
13 any successor regulations).

14 “(f) ADDITIONAL EXEMPTIONS.—The Secretary, by
15 notice published in the Federal Register, shall establish
16 an exemption from the requirements of this section for ar-
17 ticles of food imported in small quantities for research and
18 evaluation purposes or for personal consumption, provided
19 that such foods are not intended for retail sale and are
20 not sold or distributed to the public.

21 “(g) PUBLICATION OF LIST OF PARTICIPANTS.—The
22 Secretary shall publish and maintain on the Internet Web
23 site of the Food and Drug Administration a current list
24 that includes the name of, location of, and other informa-

1 tion deemed necessary by the Secretary about, importers
2 participating under this section.”.

3 (b) PROHIBITED ACT.—Section 301 (21 U.S.C. 331),
4 as amended by section 6211, is amended by adding at the
5 end the following:

6 “(zz) The importation or offering for importation of
7 a food if the importer (as defined in section 805) does
8 not have in place a foreign supplier verification program
9 in compliance with such section 805.”.

10 (c) IMPORTS.—Section 801(a) (21 U.S.C. 381(a)) is
11 amended by adding “or the importer (as defined in section
12 805) is in violation of such section 805” after “or in viola-
13 tion of section 505”.

14 (d) EFFECTIVE DATE.—The amendments made by
15 this section shall take effect 2 years after the date of en-
16 actment of this Act.

17 **SEC. 6302. VOLUNTARY QUALIFIED IMPORTER PROGRAM.**

18 Chapter VIII (21 U.S.C. 381 et seq.), as amended
19 by section 6301, is amended by adding at the end the fol-
20 lowing:

21 **“SEC. 806. VOLUNTARY QUALIFIED IMPORTER PROGRAM.**

22 “(a) IN GENERAL.—Beginning not later than 18
23 months after the date of enactment of the FDA Food
24 Safety Modernization Act, the Secretary shall—

1 “(1) establish a program, in consultation with
2 the Secretary of Homeland Security—

3 “(A) to provide for the expedited review
4 and importation of food offered for importation
5 by importers who have voluntarily agreed to
6 participate in such program; and

7 “(B) consistent with section 808, establish
8 a process for the issuance of a facility certifi-
9 cation to accompany food offered for importa-
10 tion by importers who have voluntarily agreed
11 to participate in such program; and

12 “(2) issue a guidance document related to par-
13 ticipation in, revocation of such participation in, re-
14 instatement in, and compliance with, such program.

15 “(b) VOLUNTARY PARTICIPATION.—An importer may
16 request the Secretary to provide for the expedited review
17 and importation of designated foods in accordance with
18 the program established by the Secretary under subsection
19 (a).

20 “(c) NOTICE OF INTENT TO PARTICIPATE.—An im-
21 porter that intends to participate in the program under
22 this section in a fiscal year shall submit a notice and appli-
23 cation to the Secretary of such intent at the time and in
24 a manner established by the Secretary.

1 “(d) ELIGIBILITY.—Eligibility shall be limited to an
2 importer offering food for importation from a facility that
3 has a certification described in subsection (a). In reviewing
4 the applications and making determinations on such appli-
5 cations, the Secretary shall consider the risk of the food
6 to be imported based on factors, such as the following:

7 “(1) The known safety risks of the food to be
8 imported.

9 “(2) The compliance history of foreign suppliers
10 used by the importer, as appropriate.

11 “(3) The capability of the regulatory system of
12 the country of export to ensure compliance with
13 United States food safety standards for a designated
14 food.

15 “(4) The compliance of the importer with the
16 requirements of section 805.

17 “(5) The recordkeeping, testing, inspections
18 and audits of facilities, traceability of articles of
19 food, temperature controls, and sourcing practices of
20 the importer.

21 “(6) The potential risk for intentional adultera-
22 tion of the food.

23 “(7) Any other factor that the Secretary deter-
24 mines appropriate.

1 “(e) REVIEW AND REVOCATION.—Any importer
2 qualified by the Secretary in accordance with the eligibility
3 criteria set forth in this section shall be reevaluated not
4 less often than once every 3 years and the Secretary shall
5 promptly revoke the qualified importer status of any im-
6 porter found not to be in compliance with such criteria.

7 “(f) FALSE STATEMENTS.—Any statement or rep-
8 resentation made by an importer to the Secretary shall
9 be subject to section 1001 of title 18, United States Code.

10 “(g) DEFINITION.—For purposes of this section, the
11 term ‘importer’ means the person that brings food, or
12 causes food to be brought, from a foreign country into the
13 customs territory of the United States.”.

14 **SEC. 6303. AUTHORITY TO REQUIRE IMPORT CERTIFI-**
15 **CATIONS FOR FOOD.**

16 (a) IN GENERAL.—Section 801(a) (21 U.S.C.
17 381(a)) is amended by inserting after the third sentence
18 the following: “With respect to an article of food, if impor-
19 tation of such food is subject to, but not compliant with,
20 the requirement under subsection (q) that such food be
21 accompanied by a certification or other assurance that the
22 food meets applicable requirements of this Act, then such
23 article shall be refused admission.”.

1 (b) ADDITION OF CERTIFICATION REQUIREMENT.—
2 Section 801 (21 U.S.C. 381) is amended by adding at the
3 end the following new subsection:

4 “(q) CERTIFICATIONS CONCERNING IMPORTED
5 FOODS.—

6 “(1) IN GENERAL.—The Secretary may require,
7 as a condition of granting admission to an article of
8 food imported or offered for import into the United
9 States, that an entity described in paragraph (3)
10 provide a certification, or such other assurances as
11 the Secretary determines appropriate, that the arti-
12 cle of food complies with applicable requirements of
13 this Act. Such certification or assurances may be
14 provided in the form of shipment-specific certifi-
15 cates, a listing of certified facilities that manufac-
16 ture, process, pack, or hold such food, or in such
17 other form as the Secretary may specify.

18 “(2) FACTORS TO BE CONSIDERED IN REQUIR-
19 ING CERTIFICATION.—The Secretary shall base the
20 determination that an article of food is required to
21 have a certification described in paragraph (1) on
22 the risk of the food, including—

23 “(A) known safety risks associated with
24 the food;

1 “(B) known food safety risks associated
2 with the country, territory, or region of origin
3 of the food;

4 “(C) a finding by the Secretary, supported
5 by scientific, risk-based evidence, that—

6 “(i) the food safety programs, sys-
7 tems, and standards in the country, terri-
8 tory, or region of origin of the food are in-
9 adequate to ensure that the article of food
10 is as safe as a similar article of food that
11 is manufactured, processed, packed, or
12 held in the United States in accordance
13 with the requirements of this Act; and

14 “(ii) the certification would assist the
15 Secretary in determining whether to refuse
16 or admit the article of food under sub-
17 section (a); and

18 “(D) information submitted to the Sec-
19 retary in accordance with the process estab-
20 lished in paragraph (7).

21 “(3) CERTIFYING ENTITIES.—For purposes of
22 paragraph (1), entities that shall provide the certifi-
23 cation or assurances described in such paragraph
24 are—

1 “(A) an agency or a representative of the
2 government of the country from which the arti-
3 cle of food at issue originated, as designated by
4 the Secretary; or

5 “(B) such other persons or entities accred-
6 ited pursuant to section 808 to provide such
7 certification or assurance.

8 “(4) RENEWAL AND REFUSAL OF CERTIFI-
9 CATIONS.—The Secretary may—

10 “(A) require that any certification or other
11 assurance provided by an entity specified in
12 paragraph (2) be renewed by such entity at
13 such times as the Secretary determines appro-
14 priate; and

15 “(B) refuse to accept any certification or
16 assurance if the Secretary determines that such
17 certification or assurance is not valid or reli-
18 able.

19 “(5) ELECTRONIC SUBMISSION.—The Secretary
20 shall provide for the electronic submission of certifi-
21 cations under this subsection.

22 “(6) FALSE STATEMENTS.—Any statement or
23 representation made by an entity described in para-
24 graph (2) to the Secretary shall be subject to section
25 1001 of title 18, United States Code.

1 “(7) ASSESSMENT OF FOOD SAFETY PROGRAMS,
2 SYSTEMS, AND STANDARDS.—If the Secretary deter-
3 mines that the food safety programs, systems, and
4 standards in a foreign region, country, or territory
5 are inadequate to ensure that an article of food is
6 as safe as a similar article of food that is manufac-
7 tured, processed, packed, or held in the United
8 States in accordance with the requirements of this
9 Act, the Secretary shall, to the extent practicable,
10 identify such inadequacies and establish a process by
11 which the foreign region, country, or territory may
12 inform the Secretary of improvements made to such
13 food safety program, system, or standard and dem-
14 onstrate that those controls are adequate to ensure
15 that an article of food is as safe as a similar article
16 of food that is manufactured, processed, packed, or
17 held in the United States in accordance with the re-
18 quirements of this Act.”.

19 (c) CONFORMING TECHNICAL AMENDMENT.—Sec-
20 tion 801(b) (21 U.S.C. 381(b)) is amended in the second
21 sentence by striking “with respect to an article included
22 within the provision of the fourth sentence of subsection
23 (a)” and inserting “with respect to an article described
24 in subsection (a) relating to the requirements of sections
25 760 or 761,”.

1 (d) NO LIMIT ON AUTHORITY.—Nothing in the
2 amendments made by this section shall limit the authority
3 of the Secretary to conduct inspections of imported food
4 or to take such other steps as the Secretary deems appro-
5 priate to determine the admissibility of imported food.

6 **SEC. 6304. PRIOR NOTICE OF IMPORTED FOOD SHIPMENTS.**

7 (a) IN GENERAL.—Section 801(m)(1) (21 U.S.C.
8 381(m)(1)) is amended by inserting “any country to which
9 the article has been refused entry;” after “the country
10 from which the article is shipped;”.

11 (b) REGULATIONS.—Not later than 120 days after
12 the date of enactment of this Act, the Secretary shall issue
13 an interim final rule amending subpart I of part 1 of title
14 21, Code of Federal Regulations, to implement the amend-
15 ment made by this section.

16 (c) EFFECTIVE DATE.—The amendment made by
17 this section shall take effect 180 days after the date of
18 enactment of this Act.

19 **SEC. 6305. BUILDING CAPACITY OF FOREIGN GOVERN-**
20 **MENTS WITH RESPECT TO FOOD SAFETY.**

21 (a) IN GENERAL.—The Secretary shall, not later
22 than 2 years of the date of enactment of this Act, develop
23 a comprehensive plan to expand the technical, scientific,
24 and regulatory food safety capacity of foreign govern-

1 ments, and their respective food industries, from which
2 foods are exported to the United States.

3 (b) CONSULTATION.—In developing the plan under
4 subsection (a), the Secretary shall consult with the Sec-
5 retary of Agriculture, Secretary of State, Secretary of the
6 Treasury, the Secretary of Homeland Security, the United
7 States Trade Representative, and the Secretary of Com-
8 merce, representatives of the food industry, appropriate
9 foreign government officials, nongovernmental organiza-
10 tions that represent the interests of consumers, and other
11 stakeholders.

12 (c) PLAN.—The plan developed under subsection (a)
13 shall include, as appropriate, the following:

14 (1) Recommendations for bilateral and multilat-
15 eral arrangements and agreements, including provi-
16 sions to provide for responsibility of exporting coun-
17 tries to ensure the safety of food.

18 (2) Provisions for secure electronic data shar-
19 ing.

20 (3) Provisions for mutual recognition of inspec-
21 tion reports.

22 (4) Training of foreign governments and food
23 producers on United States requirements for safe
24 food.

1 (5) Recommendations on whether and how to
2 harmonize requirements under the Codex
3 Alimentarius.

4 (6) Provisions for the multilateral acceptance of
5 laboratory methods and testing and detection tech-
6 niques.

7 (d) **RULE OF CONSTRUCTION.**—Nothing in this sec-
8 tion shall be construed to affect the regulation of dietary
9 supplements under the Dietary Supplement Health and
10 Education Act of 1994 (Public Law 103–417).

11 **SEC. 6306. INSPECTION OF FOREIGN FOOD FACILITIES.**

12 (a) **IN GENERAL.**—Chapter VIII (21 U.S.C. 381 et
13 seq.), as amended by section 6302, is amended by insert-
14 ing at the end the following:

15 **“SEC. 807. INSPECTION OF FOREIGN FOOD FACILITIES.**

16 “(a) **INSPECTION.**—The Secretary—

17 “(1) may enter into arrangements and agree-
18 ments with foreign governments to facilitate the in-
19 spection of foreign facilities registered under section
20 415; and

21 “(2) shall direct resources to inspections of for-
22 eign facilities, suppliers, and food types, especially
23 such facilities, suppliers, and food types that present
24 a high risk (as identified by the Secretary), to help

1 ensure the safety and security of the food supply of
2 the United States.

3 “(b) EFFECT OF INABILITY TO INSPECT.—Notwith-
4 standing any other provision of law, food shall be refused
5 admission into the United States if it is from a foreign
6 factory, warehouse, or other establishment of which the
7 owner, operator, or agent in charge, or the government
8 of the foreign country, refuses to permit entry of United
9 States inspectors or other individuals duly designated by
10 the Secretary, upon request, to inspect such factory, ware-
11 house, or other establishment. For purposes of this sub-
12 section, such an owner, operator, or agent in charge shall
13 be considered to have refused an inspection if such owner,
14 operator, or agent in charge does not permit an inspection
15 of a factory, warehouse, or other establishment during the
16 24-hour period after such request is submitted, or after
17 such other time period, as agreed upon by the Secretary
18 and the foreign factory, warehouse, or other establish-
19 ment.”.

20 (b) INSPECTION BY THE SECRETARY OF COM-
21 MERCE.—

22 (1) IN GENERAL.—The Secretary of Commerce,
23 in coordination with the Secretary of Health and
24 Human Services, may send 1 or more inspectors to
25 a country or facility of an exporter from which sea-

1 food imported into the United States originates. The
2 inspectors shall assess practices and processes used
3 in connection with the farming, cultivation, har-
4 vesting, preparation for market, or transportation of
5 such seafood and may provide technical assistance
6 related to such activities.

7 (2) INSPECTION REPORT.—

8 (A) IN GENERAL.—The Secretary of
9 Health and Human Services, in coordination
10 with the Secretary of Commerce, shall—

11 (i) prepare an inspection report for
12 each inspection conducted under paragraph
13 (1);

14 (ii) provide the report to the country
15 or exporter that is the subject of the re-
16 port; and

17 (iii) provide a 30-day period during
18 which the country or exporter may provide
19 a rebuttal or other comments on the find-
20 ings of the report to the Secretary of
21 Health and Human Services.

22 (B) DISTRIBUTION AND USE OF RE-
23 PORT.—The Secretary of Health and Human
24 Services shall consider the inspection reports
25 described in subparagraph (A) in distributing

1 inspection resources under section 421 of the
2 Federal Food, Drug, and Cosmetic Act, as
3 added by section 6201.

4 **SEC. 6307. ACCREDITATION OF THIRD-PARTY AUDITORS.**

5 Chapter VIII (21 U.S.C. 381 et seq.), as amended
6 by section 6306, is amended by adding at the end the fol-
7 lowing:

8 **“SEC. 808. ACCREDITATION OF THIRD-PARTY AUDITORS.**

9 “(a) DEFINITIONS.—In this section:

10 “(1) AUDIT AGENT.—The term ‘audit agent’
11 means an individual who is an employee or agent of
12 an accredited third-party auditor and, although not
13 individually accredited, is qualified to conduct food
14 safety audits on behalf of an accredited third-party
15 auditor.

16 “(2) ACCREDITATION BODY.—The term ‘ac-
17 creditation body’ means an authority that performs
18 accreditation of third-party auditors.

19 “(3) THIRD-PARTY AUDITOR.—The term ‘third-
20 party auditor’ means a foreign government, agency
21 of a foreign government, foreign cooperative, or any
22 other thirdparty, as the Secretary determines appro-
23 priate in accordance with the model standards de-
24 scribed in subsection (b)(2), that is eligible to be
25 considered for accreditation to conduct food safety

1 audits to certify that eligible entities meet the appli-
2 cable requirements of this section. A third-party
3 auditor may be a single individual. A third-party
4 auditor may employ or use audit agents to help con-
5 duct consultative and regulatory audits.

6 “(4) ACCREDITED THIRD-PARTY AUDITOR.—
7 The term ‘accredited third-party auditor’ means a
8 third-party auditor accredited by an accreditation
9 body to conduct audits of eligible entities to certify
10 that such eligible entities meet the applicable re-
11 quirements of this section. An accredited third-party
12 auditor may be an individual who conducts food
13 safety audits to certify that eligible entities meet the
14 applicable requirements of this section.

15 “(5) CONSULTATIVE AUDIT.—The term ‘con-
16 sultative audit’ means an audit of an eligible enti-
17 ty—

18 “(A) to determine whether such entity is in
19 compliance with the provisions of this Act and
20 with applicable industry standards and prac-
21 tices; and

22 “(B) the results of which are for internal
23 purposes only.

24 “(6) ELIGIBLE ENTITY.—The term ‘eligible en-
25 tity’ means a foreign entity, including a foreign fa-

1 cility registered under section 415, in the food im-
 2 port supply chain that chooses to be audited by an
 3 accredited third-party auditor or the audit agent of
 4 such accredited third-party auditor.

5 “(7) REGULATORY AUDIT.—The term ‘regu-
 6 latory audit’ means an audit of an eligible entity—

7 “(A) to determine whether such entity is in
 8 compliance with the provisions of this Act; and

9 “(B) the results of which determine—

10 “(i) whether an article of food manu-
 11 factured, processed, packed, or held by
 12 such entity is eligible to receive a food cer-
 13 tification under section 801(q); or

14 “(ii) whether a facility is eligible to
 15 receive a facility certification under section
 16 806(a) for purposes of participating in the
 17 program under section 806.

18 “(b) ACCREDITATION SYSTEM.—

19 “(1) ACCREDITATION BODIES.—

20 “(A) RECOGNITION OF ACCREDITATION
 21 BODIES.—

22 “(i) IN GENERAL.—Not later than 2
 23 years after the date of enactment of the
 24 FDA Food Safety Modernization Act, the
 25 Secretary shall establish a system for the

1 recognition of accreditation bodies that ac-
2 credit third-party auditors to certify that
3 eligible entities meet the applicable require-
4 ments of this section.

5 “(ii) DIRECT ACCREDITATION.—If, by
6 the date that is 2 years after the date of
7 establishment of the system described in
8 clause (i), the Secretary has not identified
9 and recognized an accreditation body to
10 meet the requirements of this section, the
11 Secretary may directly accredit third-party
12 auditors.

13 “(B) NOTIFICATION.—Each accreditation
14 body recognized by the Secretary shall submit
15 to the Secretary a list of all accredited third-
16 party auditors accredited by such body and the
17 audit agents of such auditors.

18 “(C) REVOCATION OF RECOGNITION AS AN
19 ACCREDITATION BODY.—The Secretary shall
20 promptly revoke the recognition of any accredi-
21 tation body found not to be in compliance with
22 the requirements of this section.

23 “(D) REINSTATEMENT.—The Secretary
24 shall establish procedures to reinstate recogni-
25 tion of an accreditation body if the Secretary

1 determines, based on evidence presented by
2 such accreditation body, that revocation was in-
3 appropriate or that the body meets the require-
4 ments for recognition under this section.

5 “(2) MODEL ACCREDITATION STANDARDS.—

6 Not later than 18 months after the date of enact-
7 ment of the FDA Food Safety Modernization Act,
8 the Secretary shall develop model standards, includ-
9 ing requirements for regulatory audit reports, and
10 each recognized accreditation body shall ensure that
11 third-party auditors and audit agents of such audi-
12 tors meet such standards in order to qualify such
13 third-party auditors as accredited third-party audi-
14 tors under this section. In developing the model
15 standards, the Secretary shall look to standards in
16 place on the date of the enactment of this section for
17 guidance, to avoid unnecessary duplication of efforts
18 and costs.

19 “(c) THIRD-PARTY AUDITORS.—

20 “(1) REQUIREMENTS FOR ACCREDITATION AS A
21 THIRD-PARTY AUDITOR.—

22 “(A) FOREIGN GOVERNMENTS.—Prior to
23 accrediting a foreign government or an agency
24 of a foreign government as an accredited third-
25 party auditor, the accreditation body (or, in the

1 case of direct accreditation under subsection
2 (b)(1)(A)(ii), the Secretary) shall perform such
3 reviews and audits of food safety programs, sys-
4 tems, and standards of the government or agen-
5 cy of the government as the Secretary deems
6 necessary, including requirements under the
7 model standards developed under subsection
8 (b)(2), to determine that the foreign govern-
9 ment or agency of the foreign government is ca-
10 pable of adequately ensuring that eligible enti-
11 ties or foods certified by such government or
12 agency meet the requirements of this Act with
13 respect to food manufactured, processed,
14 packed, or held for import into the United
15 States.

16 “(B) FOREIGN COOPERATIVES AND OTHER
17 THIRD PARTIES.—Prior to accrediting a foreign
18 cooperative that aggregates the products of
19 growers or processors, or any other third party
20 to be an accredited third-party auditor, the ac-
21 creditation body (or, in the case of direct ac-
22 creditation under subsection (b)(1)(A)(ii), the
23 Secretary) shall perform such reviews and au-
24 dits of the training and qualifications of audit
25 agents used by that cooperative or party and

1 conduct such reviews of internal systems and
2 such other investigation of the cooperative or
3 party as the Secretary deems necessary, includ-
4 ing requirements under the model standards de-
5 veloped under subsection (b)(2), to determine
6 that each eligible entity certified by the cooper-
7 ative or party has systems and standards in use
8 to ensure that such entity or food meets the re-
9 quirements of this Act.

10 “(2) REQUIREMENT TO ISSUE CERTIFICATION
11 OF ELIGIBLE ENTITIES OR FOODS.—

12 “(A) IN GENERAL.—An accreditation body
13 (or, in the case of direct accreditation under
14 subsection (b)(1)(A)(ii), the Secretary) may not
15 accredit a third-party auditor unless such third-
16 party auditor agrees to issue a written and, as
17 appropriate, electronic food certification, de-
18 scribed in section 801(q), or facility certifi-
19 cation under section 806(a), as appropriate, to
20 accompany each food shipment for import into
21 the United States from an eligible entity, sub-
22 ject to requirements set forth by the Secretary.
23 Such written or electronic certification may be
24 included with other documentation regarding
25 such food shipment. The Secretary shall con-

1 sider certifications under section 801(q) and
2 participation in the voluntary qualified importer
3 program described in section 806 when tar-
4 geting inspection resources under section 421.

5 “(B) PURPOSE OF CERTIFICATION.—The
6 Secretary shall use certification provided by ac-
7 credited third-party auditors to—

8 “(i) determine, in conjunction with
9 any other assurances the Secretary may re-
10 quire under section 801(q), whether a food
11 satisfies the requirements of such section;
12 and

13 “(ii) determine whether a facility is el-
14 igible to be a facility from which food may
15 be offered for import under the voluntary
16 qualified importer program under section
17 806.

18 “(C) REQUIREMENTS FOR ISSUING CER-
19 TIFICATION.—

20 “(i) IN GENERAL.—An accredited
21 third-party auditor shall issue a food cer-
22 tification under section 801(q) or a facility
23 certification described under subparagraph
24 (B) only after conducting a regulatory
25 audit and such other activities that may be

1 necessary to establish compliance with the
2 requirements of such sections.

3 “(ii) PROVISION OF CERTIFICATION.—

4 Only an accredited third-party auditor or
5 the Secretary may provide a facility certifi-
6 cation under section 806(a). Only those
7 parties described in 801(q)(3) or the Sec-
8 retary may provide a food certification
9 under 301(g).

10 “(3) AUDIT REPORT SUBMISSION REQUIRE-
11 MENTS.—

12 “(A) REQUIREMENTS IN GENERAL.—As a
13 condition of accreditation, not later than 45
14 days after conducting an audit, an accredited
15 third-party auditor or audit agent of such audi-
16 tor shall prepare, and, in the case of a regu-
17 latory audit, submit, the audit report for each
18 audit conducted, in a form and manner des-
19 ignated by the Secretary, which shall include—

20 “(i) the identity of the persons at the
21 audited eligible entity responsible for com-
22 pliance with food safety requirements;

23 “(ii) the dates of the audit;

24 “(iii) the scope of the audit; and

1 “(iv) any other information required
2 by the Secretary that relates to or may in-
3 fluence an assessment of compliance with
4 this Act.

5 “(B) RECORDS.—Following any accredita-
6 tion of a third-party auditor, the Secretary
7 may, at any time, require the accredited third-
8 party auditor to submit to the Secretary an on-
9 site audit report and such other reports or doc-
10 uments required as part of the audit process,
11 for any eligible entity certified by the third-
12 party auditor or audit agent of such auditor.
13 Such report may include documentation that
14 the eligible entity is in compliance with any ap-
15 plicable registration requirements.

16 “(C) LIMITATION.—The requirement
17 under subparagraph (B) shall not include any
18 report or other documents resulting from a con-
19 sultative audit by the accredited third-party
20 auditor, except that the Secretary may access
21 the results of a consultative audit in accordance
22 with section 414.

23 “(4) REQUIREMENTS OF ACCREDITED THIRD-
24 PARTY AUDITORS AND AUDIT AGENTS OF SUCH
25 AUDITORS.—

1 “(A) RISKS TO PUBLIC HEALTH.—If, at
2 any time during an audit, an accredited third-
3 party auditor or audit agent of such auditor
4 discovers a condition that could cause or con-
5 tribute to a serious risk to the public health,
6 such auditor shall immediately notify the Sec-
7 retary of—

8 “(i) the identification of the eligible
9 entity subject to the audit; and

10 “(ii) such condition.

11 “(B) TYPES OF AUDITS.—An accredited
12 third-party auditor or audit agent of such audi-
13 tor may perform consultative and regulatory
14 audits of eligible entities.

15 “(C) LIMITATIONS.—

16 “(i) IN GENERAL.—An accredited
17 third-party auditor may not perform a reg-
18 ulatory audit of an eligible entity if such
19 agent has performed a consultative audit
20 or a regulatory audit of such eligible entity
21 during the previous 13-month period.

22 “(ii) WAIVER.—The Secretary may
23 waive the application of clause (i) if the
24 Secretary determines that there is insuffi-

1 cient access to accredited third-party audi-
2 tors in a country or region.

3 “(5) CONFLICTS OF INTEREST.—

4 “(A) THIRD-PARTY AUDITORS.—An ac-
5 credited third-party auditor shall—

6 “(i) not be owned, managed, or con-
7 trolled by any person that owns or operates
8 an eligible entity to be certified by such
9 auditor;

10 “(ii) in carrying out audits of eligible
11 entities under this section, have procedures
12 to ensure against the use of any officer or
13 employee of such auditor that has a finan-
14 cial conflict of interest regarding an eligi-
15 ble entity to be certified by such auditor;
16 and

17 “(iii) annually make available to the
18 Secretary disclosures of the extent to
19 which such auditor and the officers and
20 employees of such auditor have maintained
21 compliance with clauses (i) and (ii) relat-
22 ing to financial conflicts of interest.

23 “(B) AUDIT AGENTS.—An audit agent
24 shall—

1 “(i) not own or operate an eligible en-
2 tity to be audited by such agent;

3 “(ii) in carrying out audits of eligible
4 entities under this section, have procedures
5 to ensure that such agent does not have a
6 financial conflict of interest regarding an
7 eligible entity to be audited by such agent;
8 and

9 “(iii) annually make available to the
10 Secretary disclosures of the extent to
11 which such agent has maintained compli-
12 ance with clauses (i) and (ii) relating to fi-
13 nancial conflicts of interest.

14 “(C) REGULATIONS.—The Secretary shall
15 promulgate regulations not later than 18
16 months after the date of enactment of the FDA
17 Food Safety Modernization Act to implement
18 this section and to ensure that there are protec-
19 tions against conflicts of interest between an
20 accredited third-party auditor and the eligible
21 entity to be certified by such auditor or audited
22 by such audit agent. Such regulations shall in-
23 clude—

24 “(i) requiring that audits performed
25 under this section be unannounced;

1 “(ii) a structure to decrease the po-
2 tential for conflicts of interest, including
3 timing and public disclosure, for fees paid
4 by eligible entities to accredited third-party
5 auditors; and

6 “(iii) appropriate limits on financial
7 affiliations between an accredited third-
8 party auditor or audit agents of such audi-
9 tor and any person that owns or operates
10 an eligible entity to be certified by such
11 auditor, as described in subparagraphs (A)
12 and (B).

13 “(6) WITHDRAWAL OF ACCREDITATION.—

14 “(A) IN GENERAL.—The Secretary shall
15 withdraw accreditation from an accredited
16 third-party auditor—

17 “(i) if food certified under section
18 801(q) or from a facility certified under
19 paragraph (2)(B) by such third-party audi-
20 tor is linked to an outbreak of foodborne
21 illness that has a reasonable probability of
22 causing serious adverse health con-
23 sequences or death in humans or animals;

24 “(ii) following an evaluation and find-
25 ing by the Secretary that the third-party

1 auditor no longer meets the requirements
2 for accreditation; or

3 “(iii) following a refusal to allow
4 United States officials to conduct such au-
5 dits and investigations as may be necessary
6 to ensure continued compliance with the
7 requirements set forth in this section.

8 “(B) ADDITIONAL BASIS FOR WITH-
9 DRAWAL OF ACCREDITATION.—The Secretary
10 may withdraw accreditation from an accredited
11 third-party auditor in the case that such third-
12 party auditor is accredited by an accreditation
13 body for which recognition as an accreditation
14 body under subsection (b)(1)(C) is revoked, if
15 the Secretary determines that there is good
16 cause for the withdrawal.

17 “(C) EXCEPTION.—The Secretary may
18 waive the application of subparagraph (A)(i) if
19 the Secretary—

20 “(i) conducts an investigation of the
21 material facts related to the outbreak of
22 human or animal illness; and

23 “(ii) reviews the steps or actions
24 taken by the third-party auditor to justify
25 the certification and determines that the

1 accredited third-party auditor satisfied the
2 requirements under section 801(q) of certi-
3 fying the food, or the requirements under
4 paragraph (2)(B) of certifying the entity.

5 “(7) REACCREDITATION.—The Secretary shall
6 establish procedures to reinstate the accreditation of
7 a third-party auditor for which accreditation has
8 been withdrawn under paragraph (6)—

9 “(A) if the Secretary determines, based on
10 evidence presented, that the third-party auditor
11 satisfies the requirements of this section and
12 adequate grounds for revocation no longer exist;
13 and

14 “(B) in the case of a third-party auditor
15 accredited by an accreditation body for which
16 recognition as an accreditation body under sub-
17 section (b)(1)(C) is revoked—

18 “(i) if the third-party auditor becomes
19 accredited not later than 1 year after rev-
20 ocation of accreditation under paragraph
21 (6)(A), through direct accreditation under
22 subsection (b)(1)(A)(ii) or by an accredita-
23 tion body in good standing; or

1 “(ii) under such conditions as the Sec-
2 retary may require for a third-party audi-
3 tor under paragraph (6)(B).

4 “(8) NEUTRALIZING COSTS.—The Secretary
5 shall establish by regulation a reimbursement (user
6 fee) program, similar to the method described in sec-
7 tion 203(h) of the Agriculture Marketing Act of
8 1946, by which the Secretary assesses fees and re-
9 quires accredited third-party auditors and audit
10 agents to reimburse the Food and Drug Administra-
11 tion for the work performed to establish and admin-
12 ister the accreditation system under this section.
13 The Secretary shall make operating this program
14 revenue-neutral and shall not generate surplus rev-
15 enue from such a reimbursement mechanism. Fees
16 authorized under this paragraph shall be collected
17 and available for obligation only to the extent and in
18 the amount provided in advance in appropriation
19 Acts. Such fees are authorized to remain available
20 until expended.

21 “(d) RECERTIFICATION OF ELIGIBLE ENTITIES.—An
22 eligible entity shall apply for annual recertification by an
23 accredited third-party auditor if such entity—

24 “(1) intends to participate in voluntary quali-
25 fied importer program under section 806; or

1 “(2) is required to provide to the Secretary a
2 certification under section 801(q) for any food from
3 such entity.

4 “(e) FALSE STATEMENTS.—Any statement or rep-
5 resentation made—

6 “(1) by an employee or agent of an eligible enti-
7 ty to an accredited third-party auditor or audit
8 agent; or

9 “(2) by an accredited third-party auditor to the
10 Secretary,

11 shall be subject to section 1001 of title 18, United States
12 Code.

13 “(f) MONITORING.—To ensure compliance with the
14 requirements of this section, the Secretary shall—

15 “(1) periodically, or at least once every 4 years,
16 reevaluate the accreditation bodies described in sub-
17 section (b)(1);

18 “(2) periodically, or at least once every 4 years,
19 evaluate the performance of each accredited third-
20 party auditor, through the review of regulatory audit
21 reports by such auditors, the compliance history as
22 available of eligible entities certified by such audi-
23 tors, and any other measures deemed necessary by
24 the Secretary;

1 “(3) at any time, conduct an onsite audit of
2 any eligible entity certified by an accredited third-
3 party auditor, with or without the auditor present;
4 and

5 “(4) take any other measures deemed necessary
6 by the Secretary.

7 “(g) PUBLICLY AVAILABLE REGISTRY.—The Sec-
8 retary shall establish a publicly available registry of ac-
9 creditation bodies and of accredited third-party auditors,
10 including the name of, contact information for, and other
11 information deemed necessary by the Secretary about such
12 bodies and auditors.

13 “(h) LIMITATIONS.—

14 “(1) NO EFFECT ON SECTION 704 INSPEC-
15 TIONS.—The audits performed under this section
16 shall not be considered inspections under section
17 704.

18 “(2) NO EFFECT ON INSPECTION AUTHOR-
19 ITY.—Nothing in this section affects the authority of
20 the Secretary to inspect any eligible entity pursuant
21 to this Act.”.

22 **SEC. 6308. FOREIGN OFFICES OF THE FOOD AND DRUG AD-**
23 **MINISTRATION.**

24 “(a) IN GENERAL.—The Secretary shall establish of-
25 fices of the Food and Drug Administration in foreign

1 countries selected by the Secretary, to provide assistance
2 to the appropriate governmental entities of such countries
3 with respect to measures to provide for the safety of arti-
4 cles of food and other products regulated by the Food and
5 Drug Administration exported by such country to the
6 United States, including by directly conducting risk-based
7 inspections of such articles and supporting such inspec-
8 tions by such governmental entity.

9 (b) CONSULTATION.—In establishing the foreign of-
10 fices described in subsection (a), the Secretary shall con-
11 sult with the Secretary of State, the Secretary of Home-
12 land Security, and the United States Trade Representa-
13 tive.

14 (c) REPORT.—Not later than October 1, 2011, the
15 Secretary shall submit to Congress a report on the basis
16 for the selection by the Secretary of the foreign countries
17 in which the Secretary established offices, the progress
18 which such offices have made with respect to assisting the
19 governments of such countries in providing for the safety
20 of articles of food and other products regulated by the
21 Food and Drug Administration exported to the United
22 States, and the plans of the Secretary for establishing ad-
23 ditional foreign offices of the Food and Drug Administra-
24 tion, as appropriate.

1 **SEC. 6309. SMUGGLED FOOD.**

2 (a) IN GENERAL.—Not later than 180 days after the
3 enactment of this Act, the Secretary shall, in coordination
4 with the Secretary of Homeland Security, develop and im-
5 plement a strategy to better identify smuggled food and
6 prevent entry of such food into the United States.

7 (b) NOTIFICATION TO HOMELAND SECURITY.—Not
8 later than 10 days after the Secretary identifies a smug-
9 gled food that the Secretary believes would cause serious
10 adverse health consequences or death to humans or ani-
11 mals, the Secretary shall provide to the Secretary of
12 Homeland Security a notification under section 417(n) of
13 the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
14 350f(k)) describing the smuggled food and, if available,
15 the names of the individuals or entities that attempted to
16 import such food into the United States.

17 (c) PUBLIC NOTIFICATION.—If the Secretary—

18 (1) identifies a smuggled food;

19 (2) reasonably believes exposure to the food
20 would cause serious adverse health consequences or
21 death to humans or animals; and

22 (3) reasonably believes that the food has en-
23 tered domestic commerce and is likely to be con-
24 sumed,

25 the Secretary shall promptly issue a press release describ-
26 ing that food and shall use other emergency communica-

1 tion or recall networks, as appropriate, to warn consumers
2 and vendors about the potential threat.

3 (d) EFFECT OF SECTION.—Nothing in this section
4 shall affect the authority of the Secretary to issue public
5 notifications under other circumstances.

6 (e) DEFINITION.—In this subsection, the term
7 “smuggled food” means any food that a person introduces
8 into the United States through fraudulent means or with
9 the intent to defraud or mislead.

10 **TITLE IV—MISCELLANEOUS** 11 **PROVISIONS**

12 **SEC. 6401. FUNDING FOR FOOD SAFETY.**

13 (a) IN GENERAL.—There are authorized to be appro-
14 priated to carry out the activities of the Center for Food
15 Safety and Applied Nutrition, the Center for Veterinary
16 Medicine, and related field activities in the Office of Regu-
17 latory Affairs of the Food and Drug Administration such
18 sums as may be necessary for fiscal years 2011 through
19 2015.

20 (b) INCREASED NUMBER OF FIELD STAFF.—

21 (1) IN GENERAL.—To carry out the activities of
22 the Center for Food Safety and Applied Nutrition,
23 the Center for Veterinary Medicine, and related field
24 activities of the Office of Regulatory Affairs of the
25 Food and Drug Administration, the Secretary of

1 Health and Human Services shall increase the field
2 staff of such Centers and Office with a goal of not
3 fewer than—

4 (A) 4,000 staff members in fiscal year
5 2011;

6 (B) 4,200 staff members in fiscal year
7 2012;

8 (C) 4,600 staff members in fiscal year
9 2013; and

10 (D) 5,000 staff members in fiscal year
11 2014.

12 (2) FIELD STAFF FOR FOOD DEFENSE.—The
13 goal under paragraph (1) shall include an increase
14 of 150 employees by fiscal year 2011 to—

15 (A) provide additional detection of and re-
16 sponse to food defense threats; and

17 (B) detect, track, and remove smuggled
18 food (as defined in section 6309) from com-
19 merce.

20 **SEC. 6402. EMPLOYEE PROTECTIONS.**

21 Chapter X of the Federal Food, Drug, and Cosmetic
22 Act (21 U.S.C. 391 et seq.), as amended by section 6209,
23 is further amended by adding at the end the following:

1 **“SEC. 1013. EMPLOYEE PROTECTIONS.**

2 “(a) IN GENERAL.—No entity engaged in the manu-
3 facture, processing, packing, transporting, distribution, re-
4 ception, holding, or importation of food may discharge an
5 employee or otherwise discriminate against an employee
6 with respect to compensation, terms, conditions, or privi-
7 leges of employment because the employee, whether at the
8 employee’s initiative or in the ordinary course of the em-
9 ployee’s duties (or any person acting pursuant to a request
10 of the employee)—

11 “(1) provided, caused to be provided, or is
12 about to provide or cause to be provided to the em-
13 ployer, the Federal Government, or the attorney
14 general of a State information relating to any viola-
15 tion of, or any act or omission the employee reason-
16 ably believes to be a violation of any provision of this
17 Act or any order, rule, regulation, standard, or ban
18 under this Act, or any order, rule, regulation, stand-
19 ard, or ban under this Act;

20 “(2) testified or is about to testify in a pro-
21 ceeding concerning such violation;

22 “(3) assisted or participated or is about to as-
23 sist or participate in such a proceeding; or

24 “(4) objected to, or refused to participate in,
25 any activity, policy, practice, or assigned task that
26 the employee (or other such person) reasonably be-

1 lieved to be in violation of any provision of this Act,
2 or any order, rule, regulation, standard, or ban
3 under this Act.

4 “(b) PROCESS.—

5 “(1) IN GENERAL.—A person who believes that
6 he or she has been discharged or otherwise discrimi-
7 nated against by any person in violation of sub-
8 section (a) may, not later than 180 days after the
9 date on which such violation occurs, file (or have any
10 person file on his or her behalf) a complaint with the
11 Secretary of Labor (referred to in this section as the
12 ‘Secretary’) alleging such discharge or discrimina-
13 tion and identifying the person responsible for such
14 act. Upon receipt of such a complaint, the Secretary
15 shall notify, in writing, the person named in the
16 complaint of the filing of the complaint, of the alle-
17 gations contained in the complaint, of the substance
18 of evidence supporting the complaint, and of the op-
19 portunities that will be afforded to such person
20 under paragraph (2).

21 “(2) INVESTIGATION.—

22 “(A) IN GENERAL.—Not later than 60
23 days after the date of receipt of a complaint
24 filed under paragraph (1) and after affording
25 the complainant and the person named in the

1 complaint an opportunity to submit to the Sec-
2 retary a written response to the complaint and
3 an opportunity to meet with a representative of
4 the Secretary to present statements from wit-
5 nesses, the Secretary shall initiate an investiga-
6 tion and determine whether there is reasonable
7 cause to believe that the complaint has merit
8 and notify, in writing, the complainant and the
9 person alleged to have committed a violation of
10 subsection (a) of the Secretary's findings.

11 “(B) REASONABLE CAUSE FOUND; PRE-
12 LIMINARY ORDER.—If the Secretary concludes
13 that there is reasonable cause to believe that a
14 violation of subsection (a) has occurred, the
15 Secretary shall accompany the Secretary's find-
16 ings with a preliminary order providing the re-
17 lief prescribed by paragraph (3)(B). Not later
18 than 30 days after the date of notification of
19 findings under this paragraph, the person al-
20 leged to have committed the violation or the
21 complainant may file objections to the findings
22 or preliminary order, or both, and request a
23 hearing on the record. The filing of such objec-
24 tions shall not operate to stay any reinstatement
25 remedy contained in the preliminary

1 order. Any such hearing shall be conducted ex-
2 peditiously. If a hearing is not requested in
3 such 30-day period, the preliminary order shall
4 be deemed a final order that is not subject to
5 judicial review.

6 “(C) DISMISSAL OF COMPLAINT.—

7 “(i) STANDARD FOR COMPLAINANT.—

8 The Secretary shall dismiss a complaint
9 filed under this subsection and shall not
10 conduct an investigation otherwise required
11 under subparagraph (A) unless the com-
12 plainant makes a prima facie showing that
13 any behavior described in paragraphs (1)
14 through (4) of subsection (a) was a con-
15 tributing factor in the unfavorable per-
16 sonnel action alleged in the complaint.

17 “(ii) STANDARD FOR EMPLOYER.—

18 Notwithstanding a finding by the Secretary
19 that the complainant has made the show-
20 ing required under clause (i), no investiga-
21 tion otherwise required under subpara-
22 graph (A) shall be conducted if the em-
23 ployer demonstrates, by clear and con-
24 vincing evidence, that the employer would

1 have taken the same unfavorable personnel
2 action in the absence of that behavior.

3 “(iii) VIOLATION STANDARD.—The
4 Secretary may determine that a violation
5 of subsection (a) has occurred only if the
6 complainant demonstrates that any behav-
7 ior described in paragraphs (1) through
8 (4) of subsection (a) was a contributing
9 factor in the unfavorable personnel action
10 alleged in the complaint.

11 “(iv) RELIEF STANDARD.—Relief may
12 not be ordered under subparagraph (A) if
13 the employer demonstrates by clear and
14 convincing evidence that the employer
15 would have taken the same unfavorable
16 personnel action in the absence of that be-
17 havior.

18 “(3) FINAL ORDER.—

19 “(A) IN GENERAL.—Not later than 120
20 days after the date of conclusion of any hearing
21 under paragraph (2), the Secretary shall issue
22 a final order providing the relief prescribed by
23 this paragraph or denying the complaint. At
24 any time before issuance of a final order, a pro-
25 ceeding under this subsection may be termi-

1 nated on the basis of a settlement agreement
2 entered into by the Secretary, the complainant,
3 and the person alleged to have committed the
4 violation.

5 “(B) CONTENT OF ORDER.—If, in re-
6 sponse to a complaint filed under paragraph
7 (1), the Secretary determines that a violation of
8 subsection (a) has occurred, the Secretary shall
9 order the person who committed such viola-
10 tion—

11 “(i) to take affirmative action to
12 abate the violation;

13 “(ii) to reinstate the complainant to
14 his or her former position together with
15 compensation (including back pay) and re-
16 store the terms, conditions, and privileges
17 associated with his or her employment; and

18 “(iii) to provide compensatory dam-
19 ages to the complainant.

20 “(C) PENALTY.—If such an order is issued
21 under this paragraph, the Secretary, at the re-
22 quest of the complainant, shall assess against
23 the person against whom the order is issued a
24 sum equal to the aggregate amount of all costs
25 and expenses (including attorneys’ and expert

1 witness fees) reasonably incurred, as deter-
2 mined by the Secretary, by the complainant for,
3 or in connection with, the bringing of the com-
4 plaint upon which the order was issued.

5 “(D) BAD FAITH CLAIM.—If the Secretary
6 finds that a complaint under paragraph (1) is
7 frivolous or has been brought in bad faith, the
8 Secretary may award to the prevailing employer
9 a reasonable attorneys’ fee, not exceeding
10 \$1,000, to be paid by the complainant.

11 “(4) ACTION IN COURT.—

12 “(A) IN GENERAL.—If the Secretary has
13 not issued a final decision within 210 days after
14 the filing of the complaint, or within 90 days
15 after receiving a written determination, the
16 complainant may bring an action at law or eq-
17 uity for de novo review in the appropriate dis-
18 trict court of the United States with jurisdic-
19 tion, which shall have jurisdiction over such an
20 action without regard to the amount in con-
21 troversy, and which action shall, at the request
22 of either party to such action, be tried by the
23 court with a jury. The proceedings shall be gov-
24 erned by the same legal burdens of proof speci-
25 fied in paragraph (2)(C).

1 “(B) RELIEF.—The court shall have juris-
2 diction to grant all relief necessary to make the
3 employee whole, including injunctive relief and
4 compensatory damages, including—

5 “(i) reinstatement with the same se-
6 niority status that the employee would
7 have had, but for the discharge or dis-
8 crimination;

9 “(ii) the amount of back pay, with in-
10 terest; and

11 “(iii) compensation for any special
12 damages sustained as a result of the dis-
13 charge or discrimination, including litiga-
14 tion costs, expert witness fees, and reason-
15 able attorney’s fees.

16 “(5) REVIEW.—

17 “(A) IN GENERAL.—Unless the complain-
18 ant brings an action under paragraph (4), any
19 person adversely affected or aggrieved by a final
20 order issued under paragraph (3) may obtain
21 review of the order in the United States Court
22 of Appeals for the circuit in which the violation,
23 with respect to which the order was issued, al-
24 legedly occurred or the circuit in which the
25 complainant resided on the date of such viola-

1 tion. The petition for review must be filed not
2 later than 60 days after the date of the
3 issuance of the final order of the Secretary. Re-
4 view shall conform to chapter 7 of title 5,
5 United States Code. The commencement of pro-
6 ceedings under this subparagraph shall not, un-
7 less ordered by the court, operate as a stay of
8 the order.

9 “(B) NO JUDICIAL REVIEW.—An order of
10 the Secretary with respect to which review could
11 have been obtained under subparagraph (A)
12 shall not be subject to judicial review in any
13 criminal or other civil proceeding.

14 “(6) FAILURE TO COMPLY WITH ORDER.—
15 Whenever any person has failed to comply with an
16 order issued under paragraph (3), the Secretary may
17 file a civil action in the United States district court
18 for the district in which the violation was found to
19 occur, or in the United States district court for the
20 District of Columbia, to enforce such order. In ac-
21 tions brought under this paragraph, the district
22 courts shall have jurisdiction to grant all appropriate
23 relief including, but not limited to, injunctive relief
24 and compensatory damages.

1 “(7) CIVIL ACTION TO REQUIRE COMPLI-
2 ANCE.—

3 “(A) IN GENERAL.—A person on whose be-
4 half an order was issued under paragraph (3)
5 may commence a civil action against the person
6 to whom such order was issued to require com-
7 pliance with such order. The appropriate
8 United States district court shall have jurisdic-
9 tion, without regard to the amount in con-
10 troversy or the citizenship of the parties, to en-
11 force such order.

12 “(B) AWARD.—The court, in issuing any
13 final order under this paragraph, may award
14 costs of litigation (including reasonable attor-
15 neys’ and expert witness fees) to any party
16 whenever the court determines such award is
17 appropriate.

18 “(c) EFFECT OF SECTION.—

19 “(1) OTHER LAWS.—Nothing in this section
20 preempts or diminishes any other safeguards against
21 discrimination, demotion, discharge, suspension,
22 threats, harassment, reprimand, retaliation, or any
23 other manner of discrimination provided by Federal
24 or State law.

1 “(2) RIGHTS OF EMPLOYEES.—Nothing in this
2 section shall be construed to diminish the rights,
3 privileges, or remedies of any employee under any
4 Federal or State law or under any collective bar-
5 gaining agreement. The rights and remedies in this
6 section may not be waived by any agreement, policy,
7 form, or condition of employment.

8 “(d) ENFORCEMENT.—Any nondiscretionary duty
9 imposed by this section shall be enforceable in a man-
10 damus proceeding brought under section 1361 of title 28,
11 United States Code.

12 “(e) LIMITATION.—Subsection (a) shall not apply
13 with respect to an employee of an entity engaged in the
14 manufacture, processing, packing, transporting, distribu-
15 tion, reception, holding, or importation of food who, acting
16 without direction from such entity (or such entity’s agent),
17 deliberately causes a violation of any requirement relating
18 to any violation or alleged violation of any order, rule, reg-
19 ulation, standard, or ban under this Act.”.

20 **SEC. 6403. JURISDICTION; AUTHORITIES.**

21 Nothing in this Act, or an amendment made by this
22 Act, shall be construed to—

23 (1) alter the jurisdiction between the Secretary
24 of Agriculture and the Secretary of Health and
25 Human Services, under applicable statutes, regula-

1 tions, or agreements regarding voluntary inspection
2 of non-amenable species under the Agricultural Mar-
3 keting Act of 1946 (7 U.S.C. 1621 et seq.);

4 (2) alter the jurisdiction between the Alcohol
5 and Tobacco Tax and Trade Bureau and the Sec-
6 retary of Health and Human Services, under appli-
7 cable statutes and regulations;

8 (3) limit the authority of the Secretary of
9 Health and Human Services under—

10 (A) the Federal Food, Drug, and Cosmetic
11 Act (21 U.S.C. 301 et seq.) as in effect on the
12 day before the date of enactment of this Act; or

13 (B) the Public Health Service Act (42
14 U.S.C. 301 et seq.) as in effect on the day be-
15 fore the date of enactment of this Act;

16 (4) alter or limit the authority of the Secretary
17 of Agriculture under the laws administered by such
18 Secretary, including—

19 (A) the Federal Meat Inspection Act (21
20 U.S.C. 601 et seq.);

21 (B) the Poultry Products Inspection Act
22 (21 U.S.C. 451 et seq.);

23 (C) the Egg Products Inspection Act (21
24 U.S.C. 1031 et seq.);

1 (D) the United States Grain Standards
2 Act (7 U.S.C. 71 et seq.);

3 (E) the Packers and Stockyards Act, 1921
4 (7 U.S.C. 181 et seq.);

5 (F) the United States Warehouse Act (7
6 U.S.C. 241 et seq.);

7 (G) the Agricultural Marketing Act of
8 1946 (7 U.S.C. 1621 et seq.); and

9 (H) the Agricultural Adjustment Act (7
10 U.S.C. 601 et seq.), reenacted with the amend-
11 ments made by the Agricultural Marketing
12 Agreement Act of 1937; or

13 (5) alter, impede, or affect the authority of the
14 Secretary of Homeland Security under the Home-
15 land Security Act of 2002 (6 U.S.C. 101 et seq.) or
16 any other statute, including any authority related to
17 securing the borders of the United States, managing
18 ports of entry, or agricultural import and entry in-
19 spection activities.

20 **SEC. 6404. COMPLIANCE WITH INTERNATIONAL AGREE-**
21 **MENTS.**

22 Nothing in this Act (or an amendment made by this
23 Act) shall be construed in a manner inconsistent with the
24 agreement establishing the World Trade Organization or

1 any other treaty or international agreement to which the
2 United States is a party.

3 **SEC. 6405. DETERMINATION OF BUDGETARY EFFECTS.**

4 The budgetary effects of this Act, for the purpose of
5 complying with the Statutory Pay-As-You-Go-Act of 2010,
6 shall be determined by reference to the latest statement
7 titled “Budgetary Effects of PAYGO Legislation” for this
8 Act, jointly submitted for printing in the Congressional
9 Record by the Chairmen of the House and Senate Budget
10 Committees, provided that such statement has been sub-
11 mitted prior to the vote on passage in the House acting
12 first on this conference report or amendment between the
13 Houses.

Amendment No. 4805

H. R. 3082